

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

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:  
UNITED STATES OF AMERICA, : Criminal Action No.:  
: 1:18-cr-123  
:  
versus :  
:  
ELMER ZELAYA MARTINEZ, :  
RONALD HERRERA CONTRERAS, : May 9, 2022  
HENRY ZELAYA MARTINEZ, :  
PABLO MIGUEL VELASCO BARRERA, : VOIR DIRE  
DUGLAS RAMIREZ FERRERA, :  
:  
Defendants. :  
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TRANSCRIPT OF JURY TRIAL - VOIR DIRE  
BEFORE THE HONORABLE ROSSIE D. ALSTON, JR.  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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(Previous testimony was held, but not included herein. Voir dire can be inserted in the 5/9/22, Volume 2, transcript at page 18, line 2.)

(Jury venire present.)

THE DEPUTY CLERK: United States of America versus Elmer Zelaya Martinez, Ronald Herrera Contreras, Henry Zelaya Martinez, Pablo Miguel Velasco Barrera, Douglas Ramirez Ferrera. This case comes on for trial by jury.

Counsel, please note your appearances for the record.

MS. BELLOWS: Good morning, again, Your Honor. Rebeca Bellows, Alexander Blanchard, Cristina Stam, Detective Ray Betts, and LaToya Horsford on behalf of the United States.

THE COURT: Good morning.

MS. BELLOWS: Good morning.

MR. LEIVA: Good morning, Your Honor. Manuel Leiva and Robert Jenkins on behalf of Elmer Zelaya Martinez.

THE COURT: Good morning, sir.

MS. MANITTA: Good morning, Your Honor. Lana Manitta and Jesse Winograd on behalf of Ronald Herrera Contreras.

THE COURT: Good morning, ma'am.

MS. RHODES: Good morning, Your Honor. Laura Kelsey Rhodes on behalf of Douglas Ramirez Ferrera, along with Mr. Pleasant Brodnax and Darwyn Easley.

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1 THE COURT: Good morning, gentlemen. Good morning,  
2 ma'am.

3 MR. VANGELLOW: Good morning, Your Honor. Paul  
4 Vangellow, Andrew Stewart, and Addi Gamliel on behalf of  
5 Mr. Pablo Miguel Velasco Berrera.

6 THE COURT: Good morning, sir.

7 MR. KIYONAGA: Good morning, Your Honor. David  
8 Kiyonaga and Russell Twist on behalf of Henry Zelaya Martinez.

9 THE COURT: Good morning, sir.

10 Good morning, ladies and gentlemen of the venire.  
11 It's okay to say good morning back.

12 THE JURY VENIRE: Good morning.

13 THE COURT: I see one gentleman here hasn't given up  
14 the idea that we're still the Washington Redskins and not  
15 the Washington --

16 (Venire laughter.)

17 THE COURT: I compliment you on that, sir. As a  
18 long suffering fan of that franchise, I'm glad to see that  
19 there's still people who would keep hope alive and one day  
20 they would be a competitive football team.

21 My name is Rossie Alston, Jr. and I'll be the judge  
22 presiding over this case. As you might have heard from my  
23 deputy clerk, the style of the case is United States of  
24 America versus Elmer Zelaya Martinez, Ronald Herrera  
25 Contreras, Henry Zelaya Martinez, Pablo Miguel Velasco

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1 Berrera, and Douglas Ramirez Ferrera.

2 Those are the five individuals who are before this  
3 Court. You've also heard the lawyers introduce themselves to  
4 you as we started the process. And I would like to acquaint  
5 everybody with some of the other participants in the  
6 courtroom.

7 The young lady in the very front with the green  
8 outfit is Ms. Tonia Harris, she's the court reporter, and  
9 she's responsible for making sure that everything that we say  
10 is transcribed or preserved. The lady right in front of me is  
11 my courtroom deputy, Ms. Trish Armentrout, she's the courtroom  
12 deputy. She's responsible for making sure that all of the  
13 paperwork and the administrative matters are taken care of.  
14 You also met Ms. Tinsley, my courtroom security officer and  
15 she is your liaison between you and the Court. A very valued  
16 part of our team. The young lady with the darker hair, over  
17 to my left, is Ms. Meggie Holson, she is my judicial  
18 assistant. She has been with me for 17 years and claims that  
19 she is my third daughter. She also is a very important part  
20 of the court.

21 The two gentlemen sitting over to the left, the one  
22 with the darker hair is Mr. Marlan Golden, he's my senior law  
23 clerk. He's a young lawyer. And Blake Delaplane, my other  
24 law clerk, is seated beside him. They are responsible for  
25 helping me make sure that I do the things the right way.

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1           When you become a judge, they tell you that the most  
2 important thing that you can do is to hire a law clerk who is  
3 a whole lot smarter than you are, and I've managed to  
4 accomplish that during my 22 years on the bench. So I'm very  
5 thankful for those gentlemen too.

6           The two young ladies over to my far left are court  
7 translators or court interpreters. Some of the individuals  
8 before the court do not enjoy English as a first language and  
9 so what they will be doing is simultaneously saying to them,  
10 through the headphones that they're wearing what we're saying  
11 in our native language, English. Once again, very important  
12 participants and advocates in this court.

13           First and most importantly, I want to thank you for  
14 taking this opportunity to serve as jurors. Nothing you do as  
15 an American citizen is any more important than jury service.  
16 Together, with voting, it is one of the two cardinal duties  
17 each of us has as an American citizen and it is important that  
18 you satisfy and fulfill those duties. I know there's  
19 inconvenience associated with jury duty and it's not easy.  
20 But it is a vitally important role that you'll be playing.

21           As we go through the process, we're going to thin  
22 out the courtroom considerably so we won't be on top of one  
23 another. So rest assured that we're going to take all the  
24 steps necessary to ensure your safety.

25           We're going to proceed as follows: Before the trial

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1 begins, there will be jury selection. After jury selection  
2 concludes, the trial will begin with opening statements and  
3 then you will hear testimony from witnesses.

4 We lawyers have a fancy term for selecting a jury.  
5 It's called "voir dire." It's a French term that essentially  
6 translates "searching for truth." In this regard, I'm going  
7 to give you a brief description of the case and the deputy  
8 clerk, Ms. Armentrout, will once again call the roll and then  
9 I'm going to ask you as a group a number of questions. If you  
10 have an affirmative answer, I'll ask that you raise your  
11 hands. If you have a negative answer, you don't need to raise  
12 your hand. If you have an affirmative answer, then when  
13 you're recognized please stand, give your number, and then I  
14 will have you answer the question and ask, if necessary, any  
15 follow-up questions. These will be easy to answer questions  
16 and you may answer these questions from where you are now  
17 sitting. Again, when you're called you may stand, give your  
18 juror number, and your answer to the question.

19 Now, once I finish a number of those general  
20 questions, I will then ask a more specific question. You may  
21 be asked to come forward one at a time so that you may give  
22 your answer in the relative privacy here at the bench,  
23 including counsel. And I do that to preserve your privacy as  
24 to any information you may have to disclose. And I also do it  
25 to avoid any information that you have that may disqualify

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1 you from -- from other jurors. And I'll tell you about that  
2 when that comes.

3 This case is brought by the United States Government  
4 against Elmer Zelaya Martinez, Mr. Ronald Herrera Contreras,  
5 Mr. Henry Zelaya Martinez, Mr. Pablo Miguel Velasco Barrera,  
6 and Mr. Douglas Ramirez Ferrera. The government has alleged  
7 the defendants committed the following offenses: conspiracy  
8 to commit kidnapping and murder in aid of racketeering  
9 activity, conspiracy to kidnap, murder in aid of racketeering  
10 activity, and kidnapping resulting in death. Each defendant  
11 is charged with two counts of these offenses. Each defendant  
12 denies these allegations and unequivocally maintains his  
13 innocence.

14 Ms. Armentrout will now begin the voir dire process  
15 by calling the roll. When your number is called, please stand  
16 and remain standing until the next juror number is called.  
17 For instance, if we call number one, number one would please  
18 stand, be recognized, and then sit down. We'll call number  
19 two and we'll proceed in that order. And when we do that, of  
20 course, is to ensure that all the people who are supposed to  
21 be here are in fact here and make to us lawyers and judges to  
22 match a juror number to a face. I encourage counsel to take  
23 copious notes as we begin this process with each juror.

24 Ladies and gentlemen, as you noticed we're a little  
25 bit crowded here and the lawyers mean no disrespect when they

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1 have their backs to you. We're trying to work within the  
2 confined space that we have. So please do not suggest that  
3 the lawyers are being disrespectful if they have their backs  
4 to you or if they're turning and taking notes. They are doing  
5 the best that they can. All of these lawyers are  
6 well-respected by the Court and I appreciate what they do, and  
7 they're just doing the best job they can under these  
8 circumstances.

9 Ms. Armentrout, will you please call the roll using  
10 numbers.

11 THE DEPUTY CLERK: Yes, Your Honor.

12 Juror No. 1.

13 Can you say "present" or "here."

14 THE COURT: Say "present" or "here."

15 THE DEPUTY CLERK: For the record.

16 THE JUROR: Present.

17 THE COURT: Thank you.

18 THE DEPUTY CLERK: Juror No. 2.

19 THE COURT: Say "present," sir.

20 THE JUROR: Present.

21 THE COURT: Thank you.

22 THE DEPUTY CLERK: Juror No. 3.

23 THE JUROR: Present.

24 THE COURT: Thank you. Juror No. 4.

25 THE JUROR: Present.

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1 THE DEPUTY CLERK: Juror No. 5.  
2 THE JUROR: Present.  
3 THE DEPUTY CLERK: Juror No. 6.  
4 THE JUROR: Present.  
5 THE DEPUTY CLERK: Juror No. 7.  
6 THE JUROR: Present.  
7 THE DEPUTY CLERK: Juror No. 8.  
8 THE JUROR: Present.  
9 THE DEPUTY CLERK: Juror No. 9.  
10 THE JUROR: Present.  
11 THE DEPUTY CLERK: Juror No. 10.  
12 THE JUROR: Present.  
13 THE DEPUTY CLERK: Juror No. 11.  
14 THE JUROR: Present.  
15 THE DEPUTY CLERK: Juror No. 12.  
16 THE JUROR: Present.  
17 THE DEPUTY CLERK: Juror No. 13.  
18 THE JUROR: Present.  
19 THE DEPUTY CLERK: Juror No. 14.  
20 THE JUROR: Present.  
21 THE DEPUTY CLERK: Juror No. 15.  
22 THE JUROR: Present.  
23 THE DEPUTY CLERK: Juror No. 16.  
24 THE JUROR: Present.  
25 THE DEPUTY CLERK: Juror No. 17.

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1 THE JUROR: Present.

2 THE DEPUTY CLERK: Juror No. 18.

3 THE JUROR: Present.

4 THE DEPUTY CLERK: Juror No. 19.

5 THE JUROR: Here.

6 THE DEPUTY CLERK: Juror No. 20.

7 THE JUROR: Present.

8 THE DEPUTY CLERK: Juror No. 21.

9 THE JUROR: Present.

10 THE DEPUTY CLERK: Juror No. 22.

11 THE JUROR: Present.

12 THE DEPUTY CLERK: Juror No. 23.

13 THE JUROR: Present.

14 THE DEPUTY CLERK: Juror No. 24.

15 THE JUROR: Present.

16 THE DEPUTY CLERK: Juror No. 25.

17 THE JUROR: Present.

18 THE DEPUTY CLERK: Juror No. 26.

19 THE JUROR: Present.

20 THE DEPUTY CLERK: Juror No. 27.

21 THE JUROR: Present.

22 THE DEPUTY CLERK: Juror No. 28.

23 THE JUROR: Present.

24 THE DEPUTY CLERK: Juror No. 29.

25 THE JUROR: Present.

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1 THE DEPUTY CLERK: Juror No. 30.  
2 THE JUROR: Present.  
3 THE DEPUTY CLERK: Juror No. 31.  
4 THE JUROR: Present.  
5 THE DEPUTY CLERK: Juror No. 32.  
6 THE JUROR: Present.  
7 THE DEPUTY CLERK: Juror No. 33.  
8 THE JUROR: Present.  
9 THE DEPUTY CLERK: Juror No. 34.  
10 THE JUROR: Present.  
11 THE DEPUTY CLERK: Juror No. 35.  
12 THE JUROR: Hola. Here.  
13 THE DEPUTY CLERK: Juror No. 36.  
14 THE JUROR: Present.  
15 THE DEPUTY CLERK: Juror No. 37.  
16 THE JUROR: Present.  
17 THE DEPUTY CLERK: Juror No. 38.  
18 THE JUROR: Present.  
19 THE DEPUTY CLERK: Juror No. 39.  
20 THE JUROR: Present.  
21 THE DEPUTY CLERK: Juror No. 40.  
22 THE JUROR: Present.  
23 THE DEPUTY CLERK: Juror No. 41.  
24 THE JUROR: Here.  
25 THE DEPUTY CLERK: Juror No. 42.

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1 THE JUROR: Present.

2 THE DEPUTY CLERK: Juror No. 43.

3 THE JUROR: Present.

4 THE DEPUTY CLERK: Juror No. 44.

5 THE JUROR: Present.

6 THE DEPUTY CLERK: Juror No. 45.

7 THE JUROR: Present.

8 THE DEPUTY CLERK: Juror No. 46.

9 THE JUROR: Present.

10 THE DEPUTY CLERK: Juror No. 47.

11 THE JUROR: Present.

12 THE DEPUTY CLERK: Juror No. 48.

13 THE JUROR: Present.

14 THE DEPUTY CLERK: Juror No. 49.

15 THE JUROR: Present.

16 THE DEPUTY CLERK: Juror No. 50.

17 THE JUROR: Here.

18 THE DEPUTY CLERK: Juror No. 51.

19 THE JUROR: Here, ma'am.

20 THE DEPUTY CLERK: Juror No. 52.

21 THE JUROR: Present.

22 THE DEPUTY CLERK: Juror No. 53.

23 THE JUROR: Present.

24 THE DEPUTY CLERK: Juror No. 54.

25 THE JUROR: Present.

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1 THE DEPUTY CLERK: Juror No. 55.

2 THE JUROR: Present.

3 THE DEPUTY CLERK: Juror No. 56.

4 THE JUROR: Present.

5 THE DEPUTY CLERK: Juror No. 57.

6 THE JUROR: Present.

7 THE DEPUTY CLERK: Juror No. 58.

8 THE JUROR: Present.

9 THE DEPUTY CLERK: Juror No. 60.

10 THE JUROR: Present.

11 THE DEPUTY CLERK: Juror No. 61.

12 THE JUROR: Present.

13 THE DEPUTY CLERK: Juror No. 62.

14 THE JUROR: Present.

15 THE DEPUTY CLERK: Juror No. 63.

16 THE JUROR: Present.

17 THE DEPUTY CLERK: Juror No. 64.

18 THE JUROR: Present.

19 THE DEPUTY CLERK: Juror No. 65.

20 THE JUROR: Present.

21 THE DEPUTY CLERK: And Juror No. 66.

22 THE JUROR: Present.

23 THE DEPUTY CLERK: Ladies and gentlemen of the jury,

24 would you please stand, raise your right hands, and respond

25 after the oath.

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1 (Jury panel sworn.)

2 THE DEPUTY CLERK: Please be seated.

3 THE COURT: All members of the venire accepted the  
4 oath. Do we all agree?

5 MS. BELLOWS: Yes, Your Honor.

6 (All lawyers responded in the affirmative.)

7 THE COURT: Ladies and gentlemen of the jury venire,  
8 I want to tell you a few little things that are going to  
9 happen as the case goes on. So again, please do not in any  
10 way think that the lawyers are disrespecting you. A lot of  
11 the lawyers are seated over here to the left and because of  
12 the limited space we have, there's no use of movement as we go  
13 through the process. So all the individuals who are before  
14 the Court can have the opportunity of their full  
15 representation. So please don't get distracted by any  
16 movements that you may see. We're just trying to do the best  
17 we can under the circumstances.

18 I'm going to ask you some questions and most of you  
19 are going to agree, form the answers to the questions, and  
20 please remember that you can simply answer "yes," but most of  
21 the questions are going to be fine. If you have a "no"  
22 response, simply raise your hand and we'll proceed as we need  
23 to.

24 Again, thank you for being here. I appreciate, as  
25 all the people who a part of this litigation, the time and

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1 attention that you took in answering the questionnaire that  
2 was sent out to you. We sent out over 300 questionnaires  
3 trying to find the appropriate people to sit on this case.  
4 And this group was brought before the Court, as those who did  
5 their due diligence and answered the questions as best as they  
6 could and thus putting us in a position to actually start this  
7 process this morning. So let me thank you for your candor and  
8 for your time and attention to answering the questions that  
9 were sent out.

10 The first question: Is English your first language,  
11 if so answer, "yes."

12 (All jurors responded in the affirmative.)

13 THE COURT: Does anyone have a negative answer?

14 Okay. If you could stand if you have a negative  
15 answer and provide your number. Not your name, your number.  
16 And I'm going to ask you a follow-up question.

17 Do you have any problems or difficulties reading,  
18 speaking, or understanding English? Those people who stood.

19 THE JURORS: No.

20 THE COURT: Ma'am, yes.

21 THE JUROR: Yes.

22 THE COURT: What's your juror number?

23 THE JUROR: 1.

24 THE COURT: Okay. What is your first language,  
25 ma'am?

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1 THE JUROR: Dari.

2 THE COURT: Say it again.

3 THE JUROR: Dari. It's Farsi.

4 THE COURT: Okay. It's an Arabic language?

5 THE JUROR: No, it's Farsi.

6 THE COURT: Farsi, okay.

7 Are you having any difficulty understanding me and  
8 the questions that I have asked up to this point?

9 THE JUROR: No.

10 THE COURT: Are you comfortable right now having  
11 this conversation with the Court?

12 THE JUROR: Yes. But I have a question to ask the  
13 Court.

14 THE COURT: Okay. I may stop you after as you ask  
15 the question, but feel free to go ahead.

16 THE JUROR: I'm not sure if this is the right time  
17 to ask, but I just want --

18 THE COURT: Stop. All right. Let's bring her  
19 forward. Counsel, does everyone want to come up or are you  
20 comfortable with just some of the lawyers coming up.

21 Ms. Manitta, why don't you take the lead on this.

22 (Side bar.)

23 THE COURT: All right. The interpreters are going  
24 to be over translating the device and tell the defendants  
25 what's going on up here.

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1 Ma'am, come on up. Come on up, ma'am.

2 You're Juror No. 1. You said that you wanted to say  
3 something. What did you want to say?

4 THE JUROR: I just want to be -- I want to ask -- I  
5 don't know if this is the right time to ask, but I want to be  
6 excused because I have minor kids.

7 THE COURT: We all have circumstances that we're  
8 confronted with that interfere with our personal lives. And I  
9 would venture to say that 95 percent of the people in here  
10 have children. I have grandchildren. My children are older.  
11 But just because of that that would not be a reason to excuse  
12 you from service, particularly with the way that you answered,  
13 candidly, the question there.

14 And I understand and we're going to take breaks from  
15 time to time and you're going to be able to have some time.  
16 It's not going to be a situation where we're going to  
17 sequester you or put you in a hotel or anything like that, but  
18 that would not be a sufficient basis to excuse you.

19 THE JUROR: Okay. And also, my English is not very  
20 advanced. So I just want to --

21 THE COURT: If I could ask you, how long have you  
22 been in this country?

23 THE JUROR: Oh, about 25.

24 THE COURT: 25 years. And if I could ask, do you  
25 work?

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1 THE JUROR: I used to, but now I'm at home because  
2 my husband is full time working and I have a young kid.

3 THE COURT: Where did you work?

4 THE JUROR: I used to work at the foreign currency.  
5 And I worked at the --

6 THE COURT: Foreign currency exchange?

7 THE JUROR: Yes. And I worked at the Fairfax County  
8 Tax Department too.

9 THE COURT: And in those capacities, was English the  
10 conversation or the language that was used as part of your  
11 work?

12 THE JUROR: Yes, but I know -- like, I can  
13 communicate and I can understand but not really advanced.

14 THE COURT: All right. Okay. Thank you for your  
15 candor.

16 THE JUROR: You're welcome, sir. I try to help.

17 MR. VANGELLOW: I have a different issue.

18 THE COURT: We'll let her step back. We're not  
19 going to have a discussion with her standing there.

20 MR. VANGELLOW: I understand.

21 THE COURT: If you can step back, ma'am.

22 (Juror excused.)

23 MR. VANGELLOW: So during the preliminaries, there  
24 was a gentleman sitting on the right side of the gallery.  
25 He's now in the middle section, last row, third from the left.

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1 He's not a juror. I didn't know whether jury selection --

2 THE COURT: I noticed him. Did he have a piece --

3 MR. VANGELLOW: Piece of paper. I don't know if  
4 he's a reporter. I don't know whether it was closed.

5 THE COURT: He was in the courtroom when we started.

6 MR. VANGELLOW: Right. Yes, sir.

7 THE COURT: And I had Ms. Armentrout keep an eye on  
8 him because I saw the same thing that you saw. So what I'm  
9 going to do is I'm just going to make sure that he moves away  
10 and gets out of --

11 MR. VANGELLOW: Okay. I just wanted to bring it to  
12 the Court's attention.

13 THE COURT: Yeah, I saw the same thing that you saw.  
14 Okay. There's a gentleman in a white shirt and glasses and  
15 he's sitting in the back, if we can go ahead and move him over  
16 to the section to the right. All right.

17 (Open court.)

18 MS. BELLOWS: Your Honor, I don't think the correct  
19 person was looking.

20 THE COURT: Is the gentleman that was in the  
21 courtroom when the matter first started this morning, I  
22 believe you had on a white shirt and glasses and notepad. If  
23 you could please stand.

24 MR. BRODNAX: Your Honor, I think he left.

25 THE COURT: All right. Thank you.

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1 MS. RHODES: I think the note indicated somebody --  
2 somebody different. Do you have that?

3 THE COURT: That's who I was talking about. The  
4 gentleman in the back row with a suit on, apparently a pink  
5 tie and a blue mask. Is that gentleman still on the front  
6 row?

7 UNIDENTIFIED SPEAKER: Sure.

8 THE COURT: All right, sir. Are you a part of the  
9 venire or a part of the potential jurors?

10 UNIDENTIFIED SPEAKER: Sir, Your Honor, I am, but I  
11 did not get assigned a number. I may have missed --

12 THE COURT: Come approach. Counsel, do you have any  
13 problem with just me identifying his name and then I'll let  
14 you know.

15 MR. WINOGRAD: No objection.

16 (Side bar.)

17 THE COURT: Mr. Downs.

18 THE DEPUTY CLERK: He wasn't one of the ones to  
19 report in.

20 Did you call the recording?

21 THE JUROR: I actually came to this courtroom before  
22 9:00. I didn't know that I needed to go to the third floor.

23 THE DEPUTY CLERK: He wasn't a part of the venire.

24 THE JUROR: Thank you so much.

25 THE DEPUTY CLERK: If you can check in at the

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1 clerk's office to see when your next reporting date is.

2 THE JUROR: Okay.

3 (Open court.)

4 THE COURT: This gentleman went above and beyond.  
5 He wasn't supposed to report today and he did. So that's a  
6 little bit unusual.

7 So we're going to go back to the gentlemen that are  
8 still standing. Gentleman in the white shirt or grey shirt,  
9 can you provide your number, please?

10 THE JUROR: No. 2.

11 THE COURT: No. 2. Sir, you said English is not  
12 your first English language?

13 THE JUROR: No.

14 THE COURT: Are you having any difficulty  
15 understanding the questions that I've asked this morning or  
16 the conversations that I've had this morning?

17 THE JUROR: No.

18 THE COURT: Thank you, sir.

19 The gentleman in the darker polo.

20 THE JUROR: 58.

21 THE COURT: All right, sir. Did you have any  
22 difficulty understanding the conversations or what was going  
23 on in court here this morning?

24 THE JUROR: No.

25 THE COURT: Thank you, sir. Gentleman over here.

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1 THE JUROR: 52.

2 THE COURT: Yes, sir. Have you had any difficulty  
3 understanding the conversations or what's going on in court  
4 here this morning?

5 THE JUROR: No. Basically I barely hear you, but,  
6 no, I don't have any problem understanding you.

7 THE COURT: Okay, sir. Thank you. Another person  
8 standing.

9 THE JUROR: No. 41.

10 THE COURT: Okay. No. 41. Ma'am, have you had any  
11 difficulty understanding what was happening here this morning?

12 THE JUROR: No.

13 THE COURT: Thank you, ma'am.

14 Next question: Do any of you have any difficulty  
15 reading, speaking --

16 THE DEPUTY CLERK: One more.

17 THE COURT: One more. Number, please.

18 THE JUROR: 66.

19 THE COURT: Okay. Have you had any difficulty  
20 understanding the conversations going on this morning?

21 THE JUROR: No.

22 THE COURT: Thank you, ma'am.

23 I think I've covered the second question, but I'm  
24 going to ask it again.

25 Do any of you have any difficulty reading, speaking,

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1 or understanding English? I think I covered that with  
2 everyone?

3 Do any of the people that are here in the venire or  
4 the people who are making up the potential jury read, write,  
5 or speak Spanish, if so, raise your hand.

6 (Hands raised.)

7 THE COURT: We're going to go around the room again.  
8 If you could stand. Once again, provide your juror number and  
9 we'll go around the room.

10 THE JUROR: No. 2.

11 THE COURT: Okay. Sir, what is your level of  
12 proficiency, in other words, understanding Spanish?

13 THE JUROR: I understand Spanish pretty well. I do  
14 not write it that well, but I understand.

15 THE COURT: Very good, sir. Thank you. Next  
16 gentleman beside you. Number.

17 THE JUROR: 53.

18 THE COURT: Yes, sir.

19 THE JUROR: It's pretty limited. I haven't really  
20 used it since probably high school, but I did take four years  
21 in high school and in college.

22 THE COURT: Very good, sir. A couple of other  
23 people after you said --

24 THE JUROR: I speak it, I can read it. Not very  
25 well, though.

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1 THE DEPUTY CLERK: What number?

2 THE JUROR: Oh, I'm sorry. 16.

3 THE COURT: Thank you, ma'am. Another gentleman who  
4 popped up.

5 THE JUROR: 58.

6 THE COURT: Yes, sir.

7 THE JUROR: I studied abroad in Barcelona and I  
8 spoke it back then, but it was six years ago.

9 THE COURT: Very good, sir. Thank you. Juror  
10 number, please.

11 THE JUROR: 56, Your Honor. Conversational and  
12 board level reading.

13 THE COURT: Very good, sir. Thank you. The Court  
14 appreciates everyone giving these answers and listening to the  
15 questions that are being asked and providing specific  
16 circumstances. So we really appreciate that. After you  
17 answered the question, you may have a seat.

18 THE JUROR: 18. Basic. I took classes in college.

19 THE COURT: Thank you, sir.

20 THE JUROR: I'm not fluent, but I can speak and  
21 write it, and I'm okay with reading.

22 THE COURT: Number, please.

23 THE JUROR: 26. Sorry.

24 THE COURT: Thank you.

25 THE JUROR: 48. Very basic. I took six years in

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1 high school and college.

2 THE COURT: Very good. Thank you, ma'am.

3 THE JUROR: 63. Very basic. I can understand if  
4 people speak slowly, but I can speak only slowly myself.

5 THE COURT: Very good, ma'am. Thank you.

6 THE JUROR: No. 7. I took three years in middle and  
7 high school. I can pick up some words or phrases but not much  
8 past that.

9 THE COURT: Very good.

10 THE JUROR: No. 39. And I have an elementary level  
11 of Spanish.

12 THE COURT: Very good, sir. Thank you.

13 THE JUROR: No. 8. Basic level of reading, writing,  
14 and speaking.

15 THE COURT: Thank you.

16 THE JUROR: 22. I took four years of classes and  
17 then I use it very basically for preschoolers with speech  
18 therapy.

19 THE COURT: Thank you, ma'am.

20 THE JUROR: 17. And I -- my family is Mexican and I  
21 speak, read, write, understand Spanish probably to a  
22 professional level.

23 THE COURT: Okay. Thank you, ma'am.

24 THE JUROR: 57. I used to have professional  
25 proficiency about eight years ago, but I'm rusty. These days

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1 I read at probably at intermediate level.

2 COURT REPORTER: Your Honor.

3 THE COURT: Can you speak up more into the mic.

4 THE JUROR: 57. I used to have professional  
5 proficiency. I had a job where I only spoke Spanish, but I'm  
6 pretty rusty these days. And probably read at intermediate  
7 and speak at a basic level.

8 THE COURT: Thank you.

9 THE JUROR: 66. And Spanish is my first --

10 THE COURT: Can you speak up, ma'am, into the mic?

11 THE JUROR: 66. And Spanish is my first language.

12 THE COURT: Okay. Thank you, ma'am.

13 This goes for everyone.

14 In this case you may hear testimony through Spanish  
15 language interpreters and you may receive evidence and audio  
16 recordings that have been transcribed in Spanish and  
17 translated into English by a court certified interpreter. You  
18 may also receive in evidence written materials that an  
19 interpreter had translated from Spanish into English. Would  
20 you have any difficulty deferring to the interpretation  
21 provided by an interpreter, even if you can understand the  
22 Spanish language testimony, recordings, and/or documents  
23 without the interpreter's assistance. If so, answer, "yes."  
24 Everyone?

25 (All jurors respond in the affirmative.)

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1 THE COURT: Does anyone have any problem with that?

2 (All jurors responded in the negative.)

3 THE COURT: Thank you, ladies and gentlemen. Do any  
4 of you have any problems with your hearing or your eyesight  
5 that might make it difficult to hear or see the evidence  
6 presented in this case?

7 (Some jurors responded in the negative.)

8 THE COURT: We have a couple of hands.

9 Sir, if you could stand up and once again give your  
10 number and tell me --

11 THE JUROR: No. 19. I'm kind of hard of hearing. I  
12 can hear. I can get about 60 percent of it. If you got a  
13 mask on, it goes down from there.

14 THE COURT: Have you had any difficulty  
15 understanding me as we've gone through this process?

16 THE JUROR: Most of it I can hear.

17 THE COURT: During the course of the trial, people  
18 are going to be speaking from the witness box and it has  
19 volume that can be adjusted. I have a microphone here, but I  
20 think it's more personal if I stand up and have a conversation  
21 with the people. And so, you'll probably be able to hear me  
22 better once we get started. And you'll, obviously, be able to  
23 hear the lawyers and the witnesses with the audio equipment  
24 that we have.

25 With that accommodation, do you think that you would

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1 be able to serve as a juror?

2 THE JUROR: I think that would help, yes,  
3 definitely.

4 THE COURT: All right, sir. Thank you.

5 THE JUROR: Thank you.

6 THE JUROR: Sitting from here I can't hear you.

7 THE COURT: You're fine.

8 THE JUROR: Sitting from here basically --

9 THE COURT: Number, please.

10 THE JUROR: Oh, I'm sorry. 52.

11 THE COURT: All right, sir. Go ahead.

12 THE JUROR: And when I'm sitting here, I can hear  
13 you, but I have to really focus.

14 THE COURT: The good news, sir, that if you are  
15 selected as a juror, you're going to get a prime spot right  
16 here. And everybody will be able to hear very, very well. So  
17 where you're sitting now will not be where you're sitting if  
18 you're called to serve on this jury.

19 THE JUROR: I have to focus too much. So I have to  
20 focus too much to see what he's saying basically.

21 THE COURT: Okay. We'll work with you, sir.

22 THE JUROR: All right. Thank you.

23 THE COURT: Thank you, sir.

24 THE JUROR: No. 14. I have some -- I have a  
25 moderate hearing problem. I understanding maybe 70 percent of

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1 what you're saying, Judge.

2 THE COURT: Okay, sir. Let me do a little test. If  
3 I were to speak from here, would that help you?

4 THE JUROR: Very much.

5 THE COURT: All right, sir.

6 THE JUROR: 64, Your Honor. I do have a high  
7 frequency hearing loss, but with the microphone I understand  
8 you fine.

9 THE COURT: One of the lawyers in the case has a  
10 similar circumstance and he has been able to perform very  
11 adequately as we prepared this case for trial.

12 THE JUROR: I don't think that I'll have a problem.  
13 I'll have a monitor.

14 THE COURT: Thank you, sir.

15 THE JUROR: Thank you.

16 THE COURT: Ladies and gentlemen, you've had the  
17 opportunity to hear the names of some of the parties, if not  
18 all the parties, that are participating in this action. And  
19 I'm going to ask you a general question:

20 Do you know or recognize any of the parties or  
21 attorneys or witnesses in this case?

22 (All jurors responded in the negative.)

23 THE COURT: As we indicated the defendants are:  
24 Elmer Zelaya Martinez, Ronald Herrera Contreras, Henry Zelaya  
25 Martinez, Pablo Miguel Velasco Barrera, and Douglas Ramirez

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1 Ferrera.

2 The defense counsels are Robert Jenkins, Manuel  
3 Leiva, Lana Manitta, Jesse Winograd, Greg Stambaugh, Charles  
4 Twist, David Kiyonaga, Paul Vangellow, Andrew Stewart,  
5 Pleasant Brodnax, Darwyn Easley, and Laura Rhodes.

6 The prosecutors are: Becky Bellows, Alexandria  
7 Blanchard, Cristina Stam, Jacqueline Bechara, and the  
8 paralegal is LaToya Horsford.

9 Do any of you recognize any of these people?

10 (All jurors responded in the negative.)

11 THE COURT: I'm going to ask the parties to read  
12 their prospective witness list. Ms. Bellows.

13 MS. BELLOWS: Sorry, Your Honor. Just one second.  
14 These are the government witnesses: Matthew Armstrong, Megan  
15 Atkins, Francisco Avila Avalos, Fredys Baires Abarca, Johnnie  
16 Benningfield, Raymond Betts, seated right here. Edgar Blanco  
17 Torres, Thomas Buckley, Morris Castro Coreas, Jesus Delgado,  
18 Dominick Dinisio, Claudia Dubravetz, Silvia Escobar Mendez,  
19 Richard Fennern, Paul Fisher, Carlos Fontanez, Michael Furr,  
20 Ricardo Guzman, Derek Hardy, Jason Huggins, and that's spelled  
21 H-U-G-G-I-N-S, David Hunt, Fernando Jaramillo, Richard Keys,  
22 Ryan Lamb, Michael Lamper, Paul Lee, Yonathan Melgar Martinez,  
23 Ryan Miller, Teodoro Perez Perez, Jocelyn Posthumus, Jaime  
24 Rosales Villegas, Hugo Salazar, Staci Sassano-Regan, Michael  
25 Sears, Genaro Sen Garcia, Karla Triminio, Fernando Uribe,

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Josue Vigil Mejia, Anderson Villatoro Rivera, Jenna Walker.

THE COURT: Do any of you know any of those people or recognize any of those names?

(All jurors responded in the negative.)

THE COURT: Very good.

(A juror raised their hand.)

THE COURT: Give me your juror number.

THE JUROR: Number 31.

THE COURT: I need you to come up.

(Side bar.)

THE COURT: Sir, if you could state your juror number again.

THE JUROR: Juror No. 31.

THE COURT: And what name did you recognize?

THE JUROR: Paul Lee. I have a brother named Paul Lee. I'm not sure if it's the same --

THE COURT: What does your brother, Paul Lee, do?

THE JUROR: Software engineering.

THE COURT: Ms. Bellows.

MS. BELLOWS: Your Honor, I missed --

THE COURT: Software engineering. Is the Paul Lee involved in software engineering?

THE JUROR: He's Taiwanese Asian.

MS. BELLOWS: The Paul Lee involved in this case works for the FBI.

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1 THE JUROR: Probably not him.

2 THE COURT: Paul Lee is a pretty typical name. But  
3 I appreciate you letting us know.

4 THE JUROR: Yeah. I don't exactly know what he does  
5 nowadays.

6 THE COURT: When is the last time you saw him?

7 THE JUROR: Just the other month, but I don't ask  
8 anything about what he does.

9 THE COURT: Okay. Thank you for your candor, sir.

10 THE JUROR: Thank you.

11 (Juror No. 31 excused.)

12 (Juror No. 3 present.)

13 THE COURT: All right, sir. What is your juror  
14 number?

15 THE JUROR: Juror No. 3.

16 THE COURT: Did you recognize a name?

17 THE JUROR: David Hunt. I'm not sure if it's the  
18 same David Hunt.

19 THE COURT: What is his relation to you, sir?

20 THE JUROR: There's a David Hunt that's my mother's  
21 best friend's husband.

22 THE COURT: What does he do for a living, if you  
23 know?

24 THE JUROR: He was a neurosurgeon.

25 MS. BELLOWS: Neurosurgeon?

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1 THE JUROR: Yes. In New York.

2 THE COURT: New York.

3 MS. BELLOWS: Yup, definitely not.

4 THE JUROR: Okay. I just wanted to make sure.

5 THE COURT: Thank you for your candor, sir.

6 (Juror No. 3 excused.)

7 (Juror No. 27 present.)

8 THE COURT: Good morning, ma'am.

9 THE JUROR: Good morning.

10 THE COURT: Your juror number, please.

11 THE JUROR: 27.

12 THE COURT: Okay. Did you recognize a name?

13 THE JUROR: Yes.

14 THE COURT: What's the name?

15 THE JUROR: Stacy Sassano.

16 THE COURT: Stacy Sassano-Regan?

17 THE JUROR: Oh, I don't know if Regan is the last  
18 name, but I used to be an employer for Fairfax County Police.

19 THE COURT: Okay.

20 THE JUROR: So some of those names seem familiar,  
21 but --

22 THE COURT: Let me ask you a general question,  
23 assuming, for the sake of discussion, that you knew this Stacy  
24 Sassano, the fact that you knew her, would that in any way  
25 interfere with your ability to hear the evidence in the case?

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1 THE JUROR: I think right now I feel a little  
2 uncomfortable with the case because I've worked with Fairfax  
3 for like 15 years. So some of the names seem quite familiar  
4 in relation to this case.

5 THE COURT: Okay. Are you currently working for  
6 Fairfax County?

7 THE JUROR: I left like two years ago.

8 THE COURT: But you said that you think you might  
9 have recognized some of the names.

10 THE JUROR: Some of the names, yeah, from previous  
11 cases.

12 THE COURT: And the fact that you recognize some of  
13 these names, if these people did indeed testify, you think  
14 that would interfere with your ability to objectively hear the  
15 evidence?

16 THE JUROR: I think so.

17 THE COURT: Thank you, ma'am.

18 THE DEPUTY CLERK: What was your number again?

19 THE JUROR: 27.

20 (Juror No. 27 excused.)

21 THE COURT: I'm going to excuse her. 27.

22 MR. LEIVA: Your Honor, there's an issue about the  
23 witness list for defense.

24 THE COURT: I'm not going to ask you to do that.  
25 What I'm going to say, and I'll make sure that you're

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1 comfortable with that. I'm going to reiterate that none of  
2 the defendants have any responsibility to present any evidence  
3 at all and you cannot hold that against them. So I'm not  
4 going to ask them to provide a witness list. However, if  
5 during the course of the trial you find that someone who comes  
6 to the stand you do know, please let us know.

7 MR. LEIVA: That's fine.

8 THE COURT: Or something like that.

9 MR. BRODNAX: I have another matter.

10 Juror number -- Pleasant Brodnax on behalf of  
11 Mr. Ferrera.

12 Juror No. 30, has not recognized my name and I  
13 talked to her two or three times on the telephone. I  
14 represented her husband. The Court may know from the  
15 questionnaires she has a pending wrongful death case against  
16 the Alexandria jail. I represented her husband in front of  
17 Judge Ellis prior to subsequent counsel representing him and  
18 then committed suicide. I've talked with --

19 THE COURT: Let me get her to come up.

20 MR. BRODNAX: Yes.

21 (The Court speaks out into open court.)

22 THE COURT: 30. Juror No. 30, come up. 30.  
23 Juror 30, please come up. Come on up, ma'am.

24 (Juror No. 30 present.)

25 THE COURT: I'll take care of it. Come on up,

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1 ma'am. You're Juror No. 30?

2 THE JUROR: I am No. 30.

3 THE COURT: Ma'am, one of the lawyers has indicated  
4 that he has recognized you from dealings that you have in your  
5 private life. You might not have picked up on that.

6 THE JUROR: Okay.

7 THE COURT: But the fact that you have some sort of  
8 tangential relationship with Mr. Brodnax.

9 THE JUROR: Oh, right.

10 THE COURT: Would that interfere with your ability  
11 to hear the case?

12 THE JUROR: I don't think so. I mean, there's a lot  
13 going on in my personal life in terms of my ex-husband  
14 committing suicide in the Bureau of Prisons. So --

15 THE COURT: Do you think that you can give the  
16 government and the defendants in this action a fair trial  
17 based -- and make your decision based on the evidence that was  
18 presented in this case?

19 THE JUROR: I will do my best.

20 THE COURT: All right. Thank you, ma'am.

21 THE JUROR: Thank you.

22 (Juror No. 30 excused.)

23 MR. BRODNAX: I just wanted to bring it to the  
24 attention of the Court.

25 THE COURT: All right.

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1 MR. BRODNAX: I'm not asking any action.

2 THE COURT: At this point she said she can hear the  
3 evidence. Obviously, you have peremptory strikes that anyone  
4 can use. I don't think that those answers necessarily  
5 disqualify her from jury service. Thank you.

6 (Open court.)

7 THE COURT: Ladies and gentlemen of the jury, I'm  
8 not going to ask the defendants and their lawyers to present  
9 their witness list because, as a constitutional premise, the  
10 defendants have no obligation to present any evidence at all  
11 and you cannot hold that against them. So they may choose,  
12 during the course of the litigation, to not present any  
13 evidence, and you cannot hold that against them, so I'm not  
14 going to require them to present a potential witness list.

15 If at times you are called to serve as a juror in  
16 this case and you find that you do recognize someone who the  
17 defendants may choose to call, just simply let us know and  
18 we'll go forward from there.

19 Do you, a family member, or any close friend know or  
20 have any connection to any one of the individual defendants?

21 (All jurors responded in the negative.)

22 THE COURT: Do you, a family member, or any close  
23 friend, know or have any connection to the defendants' family  
24 members or close friends?

25 (All jurors responded in the negative.)

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1 THE COURT: Other than the questionnaire you have  
2 completed and the information that I've provided you this  
3 morning, have you read or heard anything about this case  
4 before coming here today?

5 (All jurors responded in the negative.)

6 THE COURT: Have you heard or read anything about  
7 any of the individual defendants?

8 (All jurors responded in the negative.)

9 THE COURT: Do any of you know any of the other  
10 potential jurors in this case?

11 (All jurors responded in the negative.)

12 THE COURT: Good. Do you know the judge or any  
13 courtroom employee?

14 (All jurors responded in the negative.)

15 THE COURT: No one knows me. Hmm.

16 (Jury laughs.)

17 THE COURT: I introduced to you earlier the people  
18 who make up my team. The individuals who are seated up here  
19 in front.

20 Do any of you know or have any relationship with  
21 them?

22 (All jurors responded in the negative.)

23 THE COURT: Ladies and gentlemen, this is a tough  
24 case. A tough question that I need to ask you. And this case  
25 is set to last for several weeks. The lawyers have worked

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1 very hard putting the case in a posture where it could be  
2 heard very efficiently. We will be finished before the 4th of  
3 July holiday. I am confident of that. We should probably be  
4 finished some time in June.

5 Now, I understand that we all have jobs, family  
6 commitments, personal commitments, and a variety of  
7 obligations that we need to attend to. And I want you to  
8 please take a moment of reflection and understand that jury  
9 duty is critical to the administration of justice and that the  
10 weeks you might serve on this case will pale in comparison to  
11 some of the other cases that we have in this courthouse that  
12 last months. So I want you to really take a serious look at  
13 this question before you answer it.

14 Are there any extraordinary circumstances preventing  
15 your jury service?

16 Now, when I say "extraordinary" I don't -- I am not  
17 talking about that I have kids or that I have a job that I  
18 need to do. I'm not talking about just circumstances that we  
19 face every single day. I'm talking about something  
20 extraordinary. In other words, a surgery that's scheduled for  
21 next week. Something like that would be considered  
22 extraordinary. I haven't provided that predicate for the  
23 questions.

24 Does anyone have any extraordinary circumstances?  
25 All right. Come on up.

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1 (Side bar.)

2 THE JUROR: 13.

3 THE COURT: Your juror number.

4 THE JUROR: 13.

5 THE COURT: What is your extraordinary circumstance?

6 And I want you to keep in mind that you filled out a  
7 questionnaire and the questionnaire specifically asked about  
8 serving for several weeks. So what is your extraordinary  
9 circumstance?

10 THE JUROR: I wrote you a letter and my  
11 mother-in-law just -- she's 97 -- she just fell two-and-a-half  
12 weeks ago, and she's not doing well. She's -- and I've been  
13 called to go up. There's two of us, two women, that can take  
14 care of her, and she's failing miserably right now. She had a  
15 fall and she had a brain bleed. She's on Coumadin. And so,  
16 she's not in good shape.

17 THE COURT: All right, ma'am. Thank you.

18 (Juror No. 13 excused.)

19 THE COURT: That does not earn her a strike for  
20 cause. We all have inconveniences. We all have things that  
21 we need to do so that doesn't exclude her.

22 Next person.

23 (Juror No. 49 present.)

24 THE COURT: Come on up, sir. Provide your juror  
25 number.

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1 THE JUROR: No. 49.

2 THE COURT: Remember you filled out a questionnaire.

3 THE JUROR: Yes.

4 THE COURT: The specific questionnaire is talking  
5 about the extraordinary circumstances.

6 What has changed?

7 THE JUROR: Three weeks ago -- so after I had  
8 already submitted the questionnaire, I learned my mother has  
9 Stage 4 cancer. She is going -- it's in her uterus, kidneys  
10 and intestines and she's going for aggressive chemotherapy  
11 starting on Thursday.

12 THE COURT: Where does she live, sir?

13 THE JUROR: She lives in -- she's just outside of  
14 Seattle, Washington.

15 THE COURT: Okay, sir. Anything else you'd like to  
16 tell us?

17 THE JUROR: No, that's it.

18 THE COURT: I'm sorry to hear about your mother,  
19 sir.

20 THE JUROR: Thank you.

21 (Jury No. 49 excused.)

22 THE COURT: Thank you. That one isn't good enough  
23 for cause either. I will suggest that we might want to  
24 consider peremptory strikes on that gentleman. What I don't  
25 want to happen is for his mother to take a turn. We will have

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1 four alternates. But I would not like to put us in a  
2 situation where we are to burn an alternate. So we have to  
3 take that into consideration.

4 Next. The line is growing as we talk.

5 Come on up, sir.

6 (Juror No. 21 present.)

7 THE COURT: Can you provide your juror number, sir?

8 THE JUROR: No. 21.

9 THE COURT: Sir, you filled out a questionnaire.

10 MR. LEIVA: Your Honor, can you ask him to speak up  
11 a little bit?

12 THE COURT: I would ask you to speak up, sir. If  
13 you're comfortable, you can remove your mask, if you're  
14 comfortable. All right, sir.

15 All right, sir, Juror No. 21. You might recall we  
16 sent out a questionnaire and in that questionnaire we  
17 specifically asked: Was there any extraordinary circumstances  
18 that would prevent you from serving and you swore under oath  
19 there were none. What has changed?

20 THE JUROR: It's not a change. I learned that I'm  
21 -- I could opt out of it by being over 73 and I'd like to do  
22 that. I've got a lot of obligations. I've retired 16 years  
23 ago. I'm not used to commuting from Manassas to Alexandria.  
24 And I'm worried that I'm not going to be able to hold up.

25 THE COURT: Okay, sir. Thank you, sir. Thank you,

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1 sir.

2 THE JUROR: Do you want the letter? My daughter  
3 helped me write it.

4 (Juror No. 20 excused.)

5 THE COURT: Okay. I'll let everybody speak.  
6 Mr. Blanchard.

7 MR. BLANCHARD: Would Your Honor mind, perhaps,  
8 admonishing the venire to be a little more quiet. It's really  
9 hard to hear you.

10 THE COURT: Okay.

11 (Open court.)

12 THE COURT: Ladies and gentlemen of the venire, and  
13 I appreciate that this is a bit of a laborious process. We  
14 get a lot of background noise. So as we're going through this  
15 process, if you could keep your discussions amongst yourselves  
16 to a minimum, that would be helpful to us. Thank you. Next.

17 (Juror No. 36 present.)

18 THE COURT: Ma'am, what's your number?

19 THE JUROR: 36.

20 THE COURT: Okay.

21 THE JUROR: I have four young children and I home  
22 school three of them that are elementary age and so they would  
23 be without education during the time of the trial. I could  
24 take a break, but I don't -- I can't afford the cost of  
25 childcare for four children, which I imagine would be around

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1 \$200 a day.

2 THE COURT: Ma'am, in the questionnaire that we sent  
3 to you there was a specific question that asked whether you  
4 had any extraordinary circumstances that would prevent you  
5 from serving and you didn't answer in the --

6 THE JUROR: At that time I thought my husband could  
7 take time off work, but -- and he is off for the day with  
8 them, but he has had a change of management and they will not  
9 allow him to take weeks off work at this time.

10 THE COURT: Thank you, ma'am.

11 THE JUROR: Thank you.

12 (Jury No. 36 excused.)

13 THE COURT: Once again, the circumstance is really  
14 not a justification for a strike for cause.

15 Stop that -- stop him from leaving. He's part of  
16 the venire and he's just walking out.

17 Just so you know the man that walked out was a man  
18 who had trouble getting up and said "here." So I don't know  
19 what possessed him to just walk out.

20 MR. BLANCHARD: Your Honor, I saw one of the CSO's  
21 allow a woman to leave, I believe, to use the restroom. He  
22 may have seen that.

23 THE COURT: Okay. Let me talk to them a little bit.

24 (Open court.)

25 THE COURT: I appreciate this is taking a long time

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1 and the process is a bit laborious. We need you all to stay  
2 in the courtroom during the entire process. If something  
3 happens and you have to tend to your personal needs, please  
4 let one of the court security officers know. Just don't get  
5 up and walk out. Okay. Thank you.

6 (Bench Conference.)

7 THE COURT: Next.

8 (Juror No. 66 present.)

9 THE COURT: Ma'am, if you could provide your number.

10 THE JUROR 66.

11 THE COURT: Ma'am, as you recall you filled out a  
12 questionnaire and one of the questions in the questionnaire  
13 talked about your ability to serve during the duration of this  
14 trial. What extraordinary circumstances has come up since  
15 then?

16 THE JUROR: My problem would be that I live in  
17 Vienna and I have to take an Uber like every time to come here  
18 and to go back for the trial. That's for a long time. I  
19 don't think it will be --

20 THE COURT: Okay.

21 THE JUROR: -- beneficial for me. That will be my  
22 problem.

23 THE COURT: Thank you, ma'am. You may step back.

24 (Juror No. 66 excused.)

25 THE COURT: Once again, not good enough for cause.

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1 MR. WINOGRAD: Your Honor, before we go forward, I'm  
2 sorry, on the retired gentleman, did you not --

3 THE COURT: No. And keep in mind that when I'm  
4 exercising the ability to excuse people, keeping in mind that  
5 we have 30 and 18. And you can use them as best you can. And  
6 if we get to the point where we're allowing people because  
7 they've got children they need to take care of, they have  
8 something else they'd rather do, that's not going to cut it  
9 with the Court, generally.

10 MR. WINOGRAD: Understood, Your Honor. I just want  
11 to make sure I have it right.

12 THE COURT: Next.

13 (Juror No. 33 present.)

14 THE COURT: Ma'am, can you provide your number?

15 THE JUROR: 33.

16 THE COURT: Ma'am, you might recall that during the  
17 process we sent out a questionnaire and there was a specific  
18 question asking about your ability to serve for the time that  
19 this trial is going to last.

20 What has happened since then?

21 THE JUROR: I have two kidney stones in my right  
22 kidney so I have a doctor's appointment tomorrow to schedule  
23 the removal of them.

24 THE COURT: Now, I'm going to tell you something  
25 that the rest of the jurors don't know, because of the length



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1 of this trial is going to take, I'm going to give everybody a  
2 break tomorrow. In other words, people won't need to come in  
3 tomorrow, that way you can inform your employers, take care of  
4 any personal matters and the like. So knowing that, does that  
5 in any way affect your --

6 THE JUROR: Oh, yes, definitely. So I'll have my  
7 appointment tomorrow and see what they say.

8 THE COURT: Okay. Thank you, ma'am.

9 THE JUROR: Thank you, sir.

10 (Juror No. 33 excused.)

11 (Juror No. 5 present.)

12 THE COURT: Ma'am, if you could provide your number.

13 THE JUROR: Number 5.

14 THE COURT: Number 5. And you remember you answered  
15 the questionnaire and the questionnaire specifically asked:  
16 Do you have any extraordinary circumstances that would prevent  
17 you from serving on this jury.

18 What has changed since then?

19 THE JUROR: No, but I just want to let you know that  
20 I'm traveling on July 2nd. So I can serve until July 1, if it  
21 is okay. Anything going beyond July 1 --

22 THE COURT: I am confident that this case will be  
23 over by July 1.

24 THE JUROR: Okay.

25 THE COURT: If I can ask, how long are you traveling

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1 in July?

2 THE JUROR: I'm traveling from July 1st to  
3 August 6th.

4 THE COURT: Okay. I am confident, and I'll get on  
5 the lawyers about this, that this matter will be done by  
6 July 1st.

7 THE JUROR: Just to let you know.

8 THE COURT: Thank you, ma'am.

9 (Juror No. 5 excused.)

10 THE COURT: Next.

11 (Juror No. 57 present.)

12 THE COURT: Get your number, please, ma'am.

13 THE JUROR: 57.

14 THE COURT: Ma'am, do you recall that the Court sent  
15 out a questionnaire and in that questionnaire there was a  
16 specific question that was asked about your ability to serve  
17 for the duration of this trial. What has changed since then?

18 THE JUROR: Honestly, I should have put this down,  
19 but I'm finishing my Masters degree, and I have a class that  
20 lasts until the end of June. It starts at 5:30 at American  
21 University, and so I don't know that I'd be able to get to the  
22 class on time.

23 THE COURT: Let me tell you something that's going  
24 on -- the privileged information. It's not a necessary need  
25 to share this. It is my goal to have everyone complete their

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1 case by 4 o'clock everyday, give or take 15 minutes.

2 THE JUROR: That would make a big difference if  
3 that's what's going to happen.

4 THE COURT: Thank you, ma'am.

5 THE JUROR: All right. Thank you.

6 (Jury No. 57 excused.)

7 (Juror No. 54 present.)

8 THE COURT: Good morning, ma'am.

9 THE JUROR: Good morning. I'm 54.

10 THE COURT: Thank you. Ma'am, you filled out a  
11 questionnaire and in the questionnaire there was a specific  
12 question asking about your ability to serve for the duration  
13 of this trial. What has changed since then?

14 THE JUROR: Yes. Pardon.

15 THE COURT: What has changed since then?

16 THE JUROR: I put "yes" and "no." The reason being  
17 is because I didn't know when my custody agreement was going  
18 to go through. And now I have them every other week. So  
19 every other week I wouldn't have childcare.

20 THE COURT: Okay. Anything else?

21 THE JUROR: That was all.

22 THE COURT: All right. Thank you, ma'am.

23 THE JUROR: Thank you for your time.

24 (Jury No. 54 excused.)

25 THE COURT: For the record, for the last two, it's

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1 not enough for excusal in the Court's view. Next.

2 (Juror No. 55 present.)

3 THE COURT: Yes, ma'am. Can I get your number,  
4 please.

5 THE JUROR: 55.

6 THE COURT: 55.

7 THE JUROR: Yes.

8 THE COURT: Ma'am, you remember filling out a  
9 questionnaire in which the Court specifically asked whether  
10 there were any circumstances that would prevent you from  
11 serving for the duration of this trial.

12 What has changed since then?

13 THE JUROR: Yes, sir. So there are two reasons  
14 actually. I had an international travel. I just landed on  
15 Friday, May 6th, the morning of May 6th. And then the second  
16 is I have a vacation planned on July 2nd. So I have -- I have  
17 the tickets booked for that.

18 THE COURT: I am confident that this matter will be  
19 completed before July 2nd.

20 THE JUROR: Okay. Sounds good. Thank you, sir.

21 (Jury No. 55 excused.)

22 THE COURT: Again, not enough to be excused. And  
23 for the record, if I don't say anything, you can assume that  
24 I'm saying that that's enough for them not to be excused.

25 MS. BELLOWS: Your Honor, I didn't hear the first

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1 part. What was the conflict in the beginning?

2 THE COURT: She booked travel plans on May 6th to go  
3 July 2nd.

4 (Juror No. 62 present.)

5 THE COURT: Good morning, ma'am. Can I get your  
6 juror number, please?

7 THE JUROR: 62.

8 THE COURT: 62. Ma'am, remember filling out the  
9 questionnaire in which the Court specifically asked about your  
10 ability to serve for the duration of this trial. What has  
11 changed since then?

12 THE JUROR: I lost my wallet this morning when I was  
13 getting ready to come here and I was away for the weekend so I  
14 may have lost it.

15 THE COURT: Okay. Well, what we have available to  
16 us is, in my view, the best courtroom security officer here,  
17 and that's Ms. Tinsley, you might have heard me introduce her  
18 earlier. What you can do, if you think you lost it here --

19 THE JUROR: No, no, I didn't.

20 THE COURT: Oh, okay. You lost it earlier?

21 THE JUROR: I lost it -- yeah.

22 THE COURT: If you are selected for jury duty,  
23 there's going to be a break in the action. We're not going to  
24 have court tomorrow, Tuesday. That will give you some time to  
25 work through the circumstances canceling credit cards and the

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1 like, and we'll be more than happy to work with you if you  
2 need to take a phone call or whatever.

3 THE JUROR: Okay. That works.

4 THE COURT: Thank you, ma'am.

5 THE JUROR: Thank you.

6 (Juror No. 62 excused.)

7 (Juror No. 52 present.)

8 THE COURT: Good morning, ma'am. What is your juror  
9 number?

10 THE JUROR: 52.

11 THE COURT: Do you remember filling out the  
12 questionnaire where there was a specific question that I asked  
13 you: Was there anything that would prevent you from serving  
14 on this jury for the length of this trial?

15 What has changed since then?

16 THE JUROR: If this relates to your question, prior  
17 to this extraordinary circumstance you asked a question about  
18 if I had heard anything about the case. And I wasn't sure if  
19 this was applicable, but my husband did read the letter that I  
20 got and saw the case and looked it up and he read about some  
21 circumstances.

22 THE COURT: Did he talk to you about it in any great  
23 length?

24 THE JUROR: He told me what he read in a few  
25 sentences.

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1 THE COURT: The Court is going to instruct you that  
2 any publicity or newspaper articles or anything that you heard  
3 about the case should not be considered by you in any respect.  
4 And I'm not going to hold it against your husband because  
5 that's what spouses do sometimes. I'm telling you that the  
6 only way that you can decide this case is based on the  
7 evidence that you hear in this courtroom. You can't be  
8 influenced by anything that your husband may have said about  
9 this case or anything like that. The bottom line is the case  
10 needs to be decided in this courtroom based upon the evidence  
11 that is presented.

12 THE JUROR: What he said was actually about a past  
13 case.

14 THE COURT: Yes. Will you be able to follow that  
15 instruction of the Court?

16 THE JUROR: Yes.

17 THE COURT: Okay.

18 THE JUROR: I just wanted to disclose it.

19 THE COURT: I appreciate it. Thank you, ma'am.

20 (Juror No. 52 excused.)

21 (Juror No. 16 present.)

22 THE COURT: Come on up, ma'am. Good morning, ma'am.  
23 Can you tell us your juror number?

24 THE JUROR: 16.

25 THE COURT: Ma'am, do you remember filling out a

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1 questionnaire --

2 THE JUROR: I did but things changed.

3 THE COURT: Let me finish my question before you  
4 answer the question.

5 THE JUROR: Go ahead.

6 THE COURT: Are there any extraordinary  
7 circumstances that have occurred that prevent you from serving  
8 on this jury during this time?

9 THE JUROR: It's hard to say because we have a very  
10 small engineering firm. There's only four of us total. And I  
11 do the accounting and the -- the typing and all of that. And  
12 the secretary is leaving. So it would be really detrimental  
13 to my firm if I was not there.

14 THE COURT: Okay.

15 THE JUROR: So, I'm sorry. I know you said no work,  
16 but it's very important.

17 THE COURT: Thank you.

18 (Juror No. 16 excused.)

19 THE COURT: All right. Counsel, I believe that's  
20 the last one. The Court does not view any of them being just  
21 for cause -- excusing. Obviously, you can use your peremptory  
22 strikes if you choose to do so. Again, there are 30 and 18.  
23 I went back and checked, Ms. Bellows, you're absolutely right,  
24 30 and 18. But it's 30 and 18 when it's a capital case.  
25 That's where I got that. It's 10 and 6. But when a capital

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1 case comes out, there is 30 and 18. So everyone got extra.

2 So do what you need to do.

3 All right.

4 MS. RHODES: While we're up here. Can I ask about  
5 one other thing. When we're sitting in the audience, for lack  
6 of a better term, can we text each other?

7 THE COURT: Yeah. Don't have them burping and  
8 chirping all the time.

9 MS. RHODES: Okay.

10 THE COURT: Thank you.

11 (Open court.)

12 THE COURT: Ladies and gentlemen, I mean no  
13 disrespect -- I'm sorry, Mr. Leiva.

14 MR. LEIVA: I'm having an issue, Your Honor, with my  
15 client's equipment.

16 MS. RHODES: Also, mine, Your Honor.

17 THE COURT: All right. Switch it out.

18 Ladies and gentlemen, as the interpreters are  
19 working with the gentlemen to fix the equipment, do not  
20 concern yourself with anything that's going on. At this  
21 point, you can feel free to talk amongst yourselves if you  
22 choose to.

23 (A pause in the proceedings.)

24 THE COURT: Can everyone hear now, so say raise your  
25 hand.

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1 (All defendants raised hands.)

2 THE COURT: Very good. Thank you, ladies, for your  
3 work on that.

4 The Court instructs you that the law provides that  
5 the defendants are innocent, presumed innocent, even though  
6 they have been indicted and accused of a crime. This also  
7 means that the defendants cannot be presumed guilty because  
8 the police have investigated an alleged crime, arrested and  
9 the government has charged them. Mere suspicion of a crime is  
10 not sufficient to find a defendant guilty.

11 Accordingly, a defendant cannot be found guilty  
12 unless and until the government proves that defendant's guilt  
13 beyond a reasonable doubt.

14 Do any of you have any difficulty applying this  
15 presumption?

16 (All jurors responded in the negative.)

17 THE COURT: Have you or any member of your family  
18 had any problems, disputes with, or claims against any  
19 department of the United States Government, including the  
20 Department of Justice, which would interfere with your ability  
21 to sit in this case?

22 (All jurors responded in the negative.)

23 THE COURT: Have you or any member of your family  
24 been the subject of an investigation by any Department of the  
25 United States government or ever been a defendant in any suit

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1 brought by the federal government?

2 (All jurors responded in the negative.)

3 THE COURT: Have you or any relatives or close  
4 friends ever had property seized by the United States  
5 government or any state or local government?

6 (All jurors responded in the negative.)

7 THE COURT: Are any of you, your family members, or  
8 friends employed by the Department of Justice, including the  
9 United States Attorney's Office?

10 (Multiple responses from the jury.)

11 THE COURT: Okay. We might have a couple of people.  
12 Sir, just tell me the nature of that relationship. First tell  
13 me your juror number.

14 THE JUROR: No. 3. A social acquaintance, close  
15 friend is at the DOJ, Department of Transportation, and has  
16 been there for five or --

17 THE COURT: Would that circumstance have any --  
18 present you any difficulty hearing this case?

19 THE JUROR: No.

20 THE COURT: Thank you, sir.

21 THE JUROR: No. 36. My brother is an assistant U.S.  
22 Attorney.

23 THE COURT: What state?

24 THE JUROR: He's in Laredo, Texas.

25 THE COURT: Would that present any problems for you

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1 hearing this case?

2 THE JUROR: No.

3 THE COURT: Thank you, ma'am.

4 THE JUROR: No. 49. Ex-wife, criminal tax --  
5 appellate tax division, attorney.

6 THE COURT: Would that circumstance present you any  
7 problem with hearing this case?

8 THE JUROR: No.

9 THE COURT: Thank you, sir.

10 THE JUROR: I work for the Department of  
11 Corrections.

12 THE COURT: Number, please.

13 THE JUROR: Sorry. No. 26. I work for the  
14 Department of Corrections as a probation officer.

15 THE COURT: Okay. Would that fact or circumstance  
16 present any difficulty with you hearing this case?

17 THE JUROR: No, sir.

18 THE COURT: Thank you, ma'am.

19 THE JUROR: 58. My brother works for the DOJ for  
20 FOIA.

21 THE COURT: Would that situation present any  
22 difficulty with you hearing this case?

23 THE JUROR: I don't think so.

24 THE COURT: Thank you, sir.

25 THE JUROR: No. 54. I work for the Department of

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1 Justice for U.S. Marshals.

2 THE COURT: Okay. Would that circumstance present  
3 any difficulties with you sitting in judgment in this case?

4 THE JUROR: No.

5 THE COURT: Do you recognize any of the individuals  
6 in the courtroom?

7 THE JUROR: I do not.

8 THE COURT: Thank you, ma'am.

9 This is for everybody:

10 Have you had any experiences with judges, lawyers,  
11 or the courts that would affect your ability to hear this case  
12 fairly and impartially?

13 (All jurors responded in the negative.)

14 THE COURT: Have any of you served as a member of a  
15 grand jury or a juror in a trial?

16 (Multiple responses from the jury.)

17 THE COURT: If you have, raise your hands. I'm  
18 going to ask a general question to each of you. A couple of  
19 questions to each of you.

20 Sir, you served as a juror?

21 THE JUROR: I served as a juror in Manassas, the  
22 city of Manassas. Something dealing with a traffic accident.

23 THE COURT: Okay. Since it was in Manassas, I'm  
24 assuming that it was in state court.

25 THE JUROR: Yes, state court.

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1 THE COURT: When did you serve?

2 THE JUROR: About two years ago.

3 THE COURT: Without stating the verdict, would you  
4 please state whether or not the jury returned a verdict?

5 Did you all decide the case?

6 THE JUROR: Yes.

7 THE COURT: Do you feel that your previous  
8 participation as a juror would in any way impair or interfere  
9 with your ability to serve as a fair and impartial juror in  
10 this case?

11 THE JUROR: No, sir.

12 THE COURT: Thank you. Were you the foreperson of  
13 the jury?

14 THE JUROR: No.

15 THE COURT: Thank you, sir. Next.

16 THE JUROR: No. 18.

17 THE COURT: Yes, sir. Did you serve on a grand jury  
18 or a petit jury?

19 THE JUROR: Regular trial jury.

20 THE COURT: Okay. Was this a criminal case or a  
21 civil case?

22 THE JUROR: Two cases, both criminal.

23 THE COURT: Was this in state or federal court?

24 THE JUROR: State.

25 THE COURT: When did you serve?

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1 THE JUROR: One was the late '90s, the other was  
2 2005 or so.

3 THE COURT: Okay. Without stating the verdict,  
4 would you please state whether the jury returned a verdict?

5 THE JUROR: The first case, no, the second case,  
6 yes.

7 THE COURT: Do you feel that your previous  
8 participation as a juror would in any way impair or interfere  
9 with your ability to serve as a fair and impartial juror in  
10 this case?

11 THE JUROR: No.

12 THE COURT: Were you the foreperson of the jury?

13 THE JUROR: No.

14 THE COURT: Very good, sir. Thank you.

15 THE JUROR: No. 41.

16 THE COURT: Was this a grand jury or a petit jury?  
17 In other words, did you hear the case or did you decide  
18 something related to the case?

19 THE JUROR: No, I was -- I served this jury.

20 THE COURT: Okay. Was it a criminal trial or a  
21 civil trial?

22 THE JUROR: It was a criminal.

23 THE COURT: Was it in state or federal court?

24 THE JUROR: It was federal court, here.

25 THE COURT: In Alexandria?

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1 THE JUROR: Yes.

2 THE COURT: Okay. How long ago was that?

3 THE JUROR: It's about 20 years ago.

4 THE COURT: Okay. Without stating the verdict,  
5 would you please state whether or not the jury returned a  
6 verdict?

7 THE JUROR: We did.

8 THE COURT: Okay. Do you feel that your previous  
9 participation as a juror would in any way impair or interfere  
10 with your ability to serve as a fair and impartial juror in  
11 this case?

12 THE JUROR: No.

13 THE COURT: Were you the foreperson of the jury?

14 THE JUROR: No.

15 THE COURT: Thank you, ma'am.

16 THE JUROR: No. 54.

17 THE COURT: Did you serve on a grand jury or a petit  
18 jury?

19 THE JUROR: Petit jury.

20 THE COURT: Did you serve in federal or state court?

21 THE JUROR: State.

22 THE COURT: When did you serve?

23 THE JUROR: About six weeks ago.

24 THE COURT: Without stating the verdict, would you  
25 please state whether or not the jury returned a verdict.

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1 THE WITNESS: They did not.

2 THE COURT: Do you feel that your previous  
3 participation as a juror would in any way impair or interfere  
4 with your ability to serve as a fair and impartial juror in  
5 this case?

6 THE JUROR: No, sir.

7 THE COURT: Did you serve as the foreperson of that  
8 jury?

9 THE JUROR: No.

10 THE COURT: Thank you, ma'am.

11 THE JUROR: No. 62.

12 THE COURT: Okay. Was it a grand jury or a petit  
13 jury?

14 THE JUROR: Trial jury.

15 THE COURT: Okay. Was it a criminal case or a civil  
16 case?

17 THE JUROR: One was criminal, one was civil. They  
18 were both state.

19 THE COURT: They were both state?

20 THE JUROR: In Colorado.

21 THE COURT: When did you serve, ma'am?

22 THE JUROR: Probably 10 to 12 years ago.

23 THE COURT: Without stating the verdict, would you  
24 please state whether or not the jury returned a verdict.

25 THE JUROR: Yes.

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1 THE COURT: Do you feel that your previous  
2 participation as a juror would in any way interfere or impair  
3 with your ability to serve as a fair and impartial juror in  
4 this case?

5 THE JUROR: No.

6 THE COURT: Were you the foreperson of the jury?

7 THE JUROR: I was in one case.

8 THE COURT: Okay. Thank you, ma'am.

9 THE JUROR: No. 63.

10 THE COURT: Was it a regular trial or a grand jury  
11 trial?

12 THE JUROR: Regular.

13 THE COURT: Was it in state court or federal court?

14 THE JUROR: State court.

15 THE COURT: When did you serve?

16 THE JUROR: I believe it was the late '90s.

17 THE COURT: Without stating the verdict, would you  
18 please state whether or not the jury returned a verdict?

19 THE JUROR: We did.

20 THE COURT: Do you feel that your previous  
21 participation as a juror would in any way impair or interfere  
22 with your ability to serve as a fair and impartial juror in  
23 this case?

24 THE JUROR: Not at all.

25 THE COURT: Were you the foreperson of the jury?

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1 THE JUROR: No.

2 THE COURT: Thank you, ma'am.

3 THE JUROR: No. 35.

4 THE COURT: Was this a regular trial or a grand  
5 jury?

6 THE JUROR: Both.

7 THE COURT: You served as a grand juror and as a  
8 juror in a regular trial?

9 THE JUROR: Yes.

10 THE COURT: Was this in federal or state court?

11 THE JUROR: State both.

12 THE COURT: One in federal and one in state?

13 THE JUROR: Yes.

14 THE COURT: Okay. When did you serve?

15 THE JUROR: Where?

16 THE COURT: When?

17 THE JUROR: Right here.

18 THE COURT: Okay.

19 THE JUROR: One in Manassas and one right here.

20 THE COURT: How long was that, sir?

21 THE JUROR: '80s and '90s.

22 THE COURT: Okay. Without stating the verdict,  
23 would you please state whether or not the jury returned a  
24 verdict?

25 THE JUROR: Verdict, yes.

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1 THE COURT: Do you feel that your previous  
2 participation as a juror would in any way impair or interfere  
3 with your ability to serve as a fair and impartial juror in  
4 this case?

5 THE JUROR: Not a problem.

6 THE COURT: Were you the foreperson of the jury?

7 THE JUROR: I was not.

8 THE COURT: Thank you, sir.

9 THE JUROR: No. 14.

10 THE COURT: Was this a regular jury or a grand jury?

11 THE JUROR: Regular.

12 THE COURT: Was it state court or federal court?

13 THE JUROR: State.

14 THE COURT: When did you serve?

15 THE JUROR: Approximately 1990.

16 THE COURT: Without stating the verdict, would you  
17 please state whether or not the jury returned a verdict?

18 THE JUROR: Returned a verdict, yes.

19 THE COURT: Do you feel that your previous  
20 participation as a juror would in any way impair or interfere  
21 with your ability to serve as a fair and impartial juror in  
22 this case?

23 THE JUROR: No.

24 THE COURT: Were you the foreperson of the jury?

25 THE JUROR: No.

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1 THE COURT: Thank you, sir.

2 All right. This is a general question. Have you or  
3 any member of your family ever participated in a criminal case  
4 as a complainant, defendant, witness, or in some other  
5 capacity?

6 (Multiple responses from the jury.)

7 THE COURT: One person. Couple of people. All  
8 right. Number.

9 THE JUROR: 3.

10 THE COURT: Wait a minute.

11 THE JUROR: 3.

12 THE COURT: Okay. Was this proceeding in federal or  
13 state court?

14 THE JUROR: District of Columbia.

15 THE COURT: Without going into detail, can you  
16 describe the nature of the case and your involvement?

17 THE JUROR: I was a witness. I testified in front  
18 of a grand jury and saw two individuals leaving.

19 THE COURT: Okay. Thank you, sir.

20 THE JUROR: 64. My wife was a jury member. It was  
21 before I met her, so, I don't really have --

22 THE COURT: Was this proceeding in state or federal  
23 court?

24 THE JUROR: State court. I believe it was -- I  
25 believe it was a murder case.

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1 THE COURT: Let me stop you there, sir.

2 Have you and your wife discussed that to any extent?

3 THE JUROR: Just that she was on a jury and --

4 THE COURT: Okay. That's fine. That's fine, sir.

5 Thank you. Thank you.

6 THE JUROR: 36. I have been on trial for  
7 misdemeanor alcohol charges over a decade ago. In municipal  
8 and county courts.

9 THE COURT: All right. Thank you, ma'am.

10 THE JUROR: 63. My daughter and I witnessed a  
11 crime, but it didn't go to court, but we did give statements.

12 THE COURT: Okay. Thank you, ma'am. And I  
13 appreciate the young lady saying that, but I'm not really  
14 concerned about statements. So if any of you have any  
15 concerns based upon what you heard from her, you don't need to  
16 stand up. That's really not a reason, but I do appreciate her  
17 telling us that.

18 THE JUROR: 37. Yes, 37. Witness as a law  
19 enforcement officer.

20 THE COURT: Okay. Thank you, sir.

21 THE JUROR: No. 53. My father was a defendant in  
22 some criminal cases.

23 THE COURT: That's fine. Thank you, sir.

24 THE JUROR: 17. And my mom was -- my birth mother  
25 was convicted on federal charges in California.

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1 THE COURT: Okay. And I'm assuming, ma'am, this  
2 won't interfere with your ability to hear this case.

3 THE JUROR: No.

4 THE COURT: Okay. All right.

5 This is another general question. I believe we're  
6 going to have consistent answers on this. And please listen  
7 closely to the questions I ask you.

8 Have you or any family member or close friend had  
9 any experience with a local, state, or federal agency that may  
10 influence your ability to evaluate the facts of this case  
11 impartially if you are selected to be a juror in this case?

12 (All jurors responded in the negative.)

13 THE COURT: Do any of you have any strong opinions  
14 about law enforcement, positive or negative, that would  
15 prevent you from rendering a fair verdict in a case involving  
16 the testimony of law enforcement officers?

17 (Multiple responses from the jury.)

18 THE COURT: All right, sir, come on up.

19 (Side bar.)

20 (Juror No. 58 present.)

21 THE COURT: Give me your juror number.

22 THE JUROR: 58.

23 THE COURT: What is your circumstance?

24 THE JUROR: So when I was in Harrisonburg there was,  
25 like, a lot of issues with police and so I got pulled over for

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1 speeding. And then both cops approached my car and tapped my  
2 window with their gun and I was, like, very rattled at the  
3 time. I didn't report it because I was like scared and I was  
4 like a personal --

5 THE COURT: So you were down in James Madison.

6 THE JUROR: Yeah.

7 THE COURT: You had a situation or a circumstance  
8 with the police.

9 THE JUROR: Yeah.

10 THE COURT: Would that circumstance or situation in  
11 any way interfere with your ability to render a fair judgment  
12 in this case based upon the evidence you hear in this  
13 courtroom?

14 THE JUROR: I mean, obviously, I have like a bias  
15 towards like -- against police.

16 THE COURT: Okay.

17 THE JUROR: And, like, their judgment.

18 THE COURT: Would you necessarily disbelieve the  
19 testimony of a police officer?

20 THE JUROR: I don't know.

21 THE COURT: Okay. Thank you, sir. You may step  
22 back.

23 (Jury No. 58 excused.)

24 THE COURT: I'm going to hold off on making a  
25 determination on that one.

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1 (Juror No. 33 present.)

2 THE JUROR: Hi.

3 THE COURT: Juror number.

4 THE JUROR: 33.

5 THE COURT: Okay. And what is your circumstance?

6 THE JUROR: My whole family is in law enforcement.

7 Both state, local, and federal, but I did put it in the  
8 questionnaire.

9 THE COURT: Would you necessarily believe or  
10 disbelieve the testimony of a law enforcement officer based  
11 upon your circumstances?

12 THE JUROR: No. I just want to make sure I was  
13 okay.

14 THE COURT: No, ma'am. I want you to understand  
15 this is why we go through this process. We want people to be  
16 candid and you've been candid and you did good about coming up  
17 and telling us these things. So don't hesitate.

18 THE JUROR: Just exercise my right, okay.

19 (Juror No. 33 excused.)

20 THE COURT: I'll hold off on the first one. He's  
21 close. But I'll hold off. Okay.

22 (Open court.)

23 THE COURT: Ladies and gentlemen, you heard from a  
24 few of your colleagues in response to certain things. This is  
25 a follow-up question to those who did not come up.

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1           If a witness who testifies in this case is or was a  
2 law enforcement officer, would you tend to believe that  
3 witness even more or less because of that witness's connection  
4 with the government?

5           (All jurors responded in the negative.)

6           THE COURT: Do any of you have any health issues  
7 that you have not previously described to the Court that might  
8 interfere with your ability to hear the testimony of the  
9 witnesses in this case?

10          (All jurors responded in the negative.)

11          THE COURT: Have you or anyone close to you  
12 previously been a victim of a crime? And when I'm talking  
13 "close" a sibling, a parent, a child, a spouse.

14          (Multiple responses from the jury.)

15          THE COURT: Would any past experiences you have  
16 been -- wait a minute, excuse me --

17          Other than those -- which question are we talking  
18 about?

19          THE JUROR: 63, victim of a crime.

20          THE COURT: Okay. Can you describe, generally, who  
21 that person was?

22          THE JUROR: I was the victim.

23          THE COURT: Okay. Stop right there.

24          Did your experience being the victim of a crime,  
25 does it in any way affect your ability to hear the facts and

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1 circumstances of this case?

2 THE JUROR: No.

3 THE COURT: Okay. Thank you, ma'am. Sir.

4 THE JUROR: I was also a victim. And it does not  
5 affect my ability.

6 THE COURT: Okay. Let me ask a follow-up question,  
7 both of you and the young lady who spoke earlier.

8 Would that experience affect your duty, if chosen,  
9 to presume that all of these defendants are innocent until  
10 proven guilty beyond a reasonable doubt?

11 THE JUROR: No, it would not affect my ability. No.  
12 18.

13 THE COURT: Thank you, sir. Ma'am?

14 THE JUROR: No.

15 THE COURT: Thank you, ma'am.

16 We've had a few people answer this question  
17 generally in passing before, but I'm going to follow up, other  
18 than those people who have already answered.

19 Have you or your close friends or relatives ever  
20 been convicted of any crime?

21 (All jurors responded in the negative.)

22 THE COURT: We heard about your situation, ma'am,  
23 you don't need to repeat it. Is everyone comfortable with the  
24 response that we've heard from this young lady before?

25 MR. WINOGRAD: Yes.

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1 MS. BELLOWS: Yes, Your Honor.

2 THE COURT: Yes, ma'am.

3 THE JUROR: My uncle was convicted of stealing a  
4 trailer. I'm sorry, 46.

5 THE COURT: Do you feel that this experience would  
6 in any way impair or interfere with your ability to serve as a  
7 fair and impartial juror in this case?

8 THE JUROR: No.

9 THE COURT: Okay. Thank you, ma'am.

10 THE JUROR: Juror No. 20. It was a juvenile case.  
11 My best friend's son was convicted of assault.

12 THE COURT: Do you feel that this experience would  
13 in any way interfere or impair your ability to serve as a fair  
14 and impartial juror in this case?

15 THE JUROR: No, Your Honor.

16 THE COURT: Thank you, ma'am.

17 THE JUROR: 51, sir.

18 THE COURT: Yes.

19 THE JUROR: My little brother was convicted of  
20 vehicular manslaughter.

21 THE COURT: Do you feel that this experience would  
22 in any way impair or interfere with your ability to serve as a  
23 fair and impartial juror in this trial?

24 THE JUROR: No, Judge.

25 THE COURT: Thank you, ma'am.

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1           THE JUROR: 57. My great uncle was convicted of tax  
2 fraud and I have a cousin who was convicted of attempted  
3 murder.

4           THE COURT: Okay. Do you feel this experience would  
5 in any way impair or interfere with your ability to serve as a  
6 fair and impartial juror in this case?

7           THE JUROR: No, Your Honor.

8           THE COURT: Thank you, ma'am.

9           THE JUROR: No. 11. My now husband was convicted of  
10 robbery when he was 15.

11           THE COURT: Do you feel that this experience would  
12 in any way impair or interfere with your ability to serve as a  
13 fair and impartial juror in this case?

14           THE JUROR: No.

15           THE COURT: Thank you, ma'am.

16           THE JUROR: 53. I mentioned that my father was a  
17 defendant. He was convicted of driving under the influence.

18           THE COURT: Do you believe that that experience --  
19 (Court reporter clarification.)

20           THE JUROR: Driving under the influence.

21           THE COURT: DUI.

22           THE JUROR: No, it would not affect my ability to be  
23 impartial in this case.

24           THE COURT: Thank you, sir. And last -- and, no,  
25 two more gentlemen. Yes, sir.

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1 THE JUROR: Sister, DWI.

2 THE COURT: Can I get your number, please.

3 THE JUROR: Sister, DWI. No. 10.

4 THE COURT: Do you think that this would in any way  
5 interfere with your ability to be an impartial juror?

6 THE JUROR: No.

7 THE COURT: Thank you, sir. And the last gentleman  
8 over here.

9 THE JUROR: Juror No. 44. My cousin was convicted  
10 of shoplifting.

11 THE COURT: Does that experience in any way  
12 interfere with your ability to sit impartially in this case?

13 THE JUROR: No, Your Honor.

14 THE COURT: Thank you.

15 Is there anyone here who feels that if you were  
16 selected to sit as a juror in this case, you would be  
17 unwilling or unable to render a verdict based solely on the  
18 evidence presented at this trial and the law, which I will  
19 instruct you on at the conclusion of the trial?

20 (All jurors responded in the negative.)

21 THE COURT: Other than what you've already  
22 explained, do you or any member of your immediate family or  
23 close personal friend know anyone who may be associated in any  
24 capacity with this case, its investigation or its preparation  
25 for either the government or the defense?

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1 (Multiple responses from the jury.)

2 THE COURT: Come on up. Come on up, sir.

3 (Juror No. 50 present.)

4 THE COURT: What is your juror number, sir?

5 THE JUROR: 50.

6 THE COURT: Okay.

7 THE JUROR: My brother is a state magistrate for the  
8 City of Alexandria.

9 THE COURT: Okay.

10 THE JUROR: So he may or may not be involved with  
11 this case.

12 THE COURT: Have you talked to him about this case  
13 that you know of?

14 THE JUROR: Only the dates. I said I have jury  
15 duty.

16 THE COURT: All right. That's fine.

17 I'm going to ask you another follow-up question.  
18 I'm going to ask everybody else this question too.

19 Have you had any interaction with MS-13?

20 THE JUROR: Only by seeing paintings on the walls.

21 THE COURT: Okay.

22 THE JUROR: And stuff in the newspapers.

23 THE COURT: Have you read anything about this case?

24 THE JUROR: Nothing on this case.

25 THE COURT: Okay. Thank you, sir.

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1 (Jury No. 50 excused.)

2 THE COURT: Counsel, I'm letting you know that I'm  
3 sort of using my instincts when people say I want to say  
4 something because I don't want someone to say something that  
5 messes it up for everybody. I'm just using my best instinct  
6 as to when to bring people up.

7 This next question is going to be a little bit  
8 tricky. But I'm going to ask it in a way that makes it as  
9 sterile as possible. Okay. Thank you.

10 (Open court.)

11 THE COURT: Ladies and gentlemen, during the course  
12 of this trial you're going to hear a reference to an alleged  
13 gang by the name of MS-13. This question that I'm going to  
14 ask is to be considered general in question -- general in  
15 nature.

16 Have any of you had any negative interaction with a  
17 group that is called MS-13?

18 (All jurors responded in the negative.)

19 THE COURT: Have any of you had any interaction with  
20 any other street -- alleged street gang?

21 (All jurors responded in the negative.)

22 THE COURT: Is there anyone who feels that if you  
23 were selected to sit as a juror on this case you would be  
24 unwilling or unable to render a verdict based solely on the  
25 evidence presented at this trial and the law which I will

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1 instruct you on at the conclusion of the trial?

2 (All jurors responded in the negative.)

3 THE COURT: You might have said, well, didn't he  
4 already ask me that question. I like to circle back sometimes  
5 to make sure we're clear of what our responsibilities and  
6 obligations are.

7 It is important that every juror hear all testimony.  
8 If you don't hear something a witness says, will all of you be  
9 comfortable in raising your hand and asking me to have the  
10 witness repeat that response?

11 (All jurors responded in the affirmative.)

12 THE COURT: Every juror has the right to know the  
13 law and the Court will read the instructions to you. In  
14 addition, you'll be given the written instructions of law  
15 during your deliberations. During deliberations, will you ask  
16 your foreperson to read the instructions on the law again if  
17 it will aid in the deliberations?

18 (All jurors responded in the affirmative.)

19 THE COURT: No juror is expected to give up an  
20 honest belief. In fact, you would be violating your oath or  
21 affirmation to convict in spite of your honest belief that  
22 there's reasonable doubt. Accordingly, it is not expected  
23 that you or any other juror will decide the case contrary to  
24 an honest belief. You're expected to find a defendant guilty  
25 only if his guilt is proven beyond a reasonable doubt.

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1 Will you adhere to your responsibility in this  
2 regard?

3 (All jurors responded in the affirmative.)

4 THE COURT: Does anyone have any other matter that  
5 you feel you should call to the Court's attention that may  
6 have some bearing on your qualification as a juror or what you  
7 feel may prevent you from rendering a fair and impartial  
8 verdict based solely upon on the evidence and my instructions  
9 other than those things we previously discussed?

10 (All jurors responded in the negative.)

11 THE COURT: All right. Thank you, ladies and  
12 gentlemen, for answering the questions.

13 What we're going to do now is I'm going to give you  
14 a comfort break. You're going to be in the -- dealing with  
15 Ms. Tinsley and my other courtroom security officer. I'm  
16 going to give you a comfort break. Let me give you the first  
17 instruction that I will -- or actually the second instruction  
18 that I will give you during the course of this litigation.  
19 And that is not to discuss the case or any aspect of the case  
20 with anyone, including each other. There's a temptation, for  
21 lack of a better way of putting it, as you're walking to the  
22 bathroom saying, wow, that judge was asking a whole lot of  
23 questions or, wow, it's a pretty day, I wish I was outside.  
24 Those are the kinds of things that can get you in a situation  
25 that we don't want you to get into. So we're going to go

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1 ahead and let you take your comfort break. It's best to talk  
2 about anything other than this case. Talk about how great  
3 Mother's Day was yesterday. Talk about how the Nationals are  
4 not going to win 70 games this year. Talk about those kinds  
5 of things and that will help you sort of stay within the  
6 confines of your obligations. So I'm going to go ahead and  
7 let you go out and then we'll do what we need to do. So let's  
8 go ahead and let them do what they need to do. We're going to  
9 be back no later than 11:10.

10 Why don't you go ahead and go out, too. Take them  
11 all out.

12 (Jury excused.)

13 THE COURT: You all may be seated. We're back on  
14 the record. Are all the jurors excused?

15 We're back on the record. Does anyone want to be  
16 heard on anything?

17 MS. BELLOWS: Yes, Your Honor. The government would  
18 move to strike No. 58. That's the young man the Court said  
19 he's going to defer. In response to his questionnaire, he  
20 said, "minimum sentencing is inherently biased." And then  
21 today he said, and I'm not sure if this is a quote, but what I  
22 wrote down was that "he's biased against the police." So for  
23 that reason we would move to strike No. 58.

24 THE COURT: Does anyone want to take the lead on the  
25 response to that?

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1 MR. JENKINS: Yes, Your Honor.

2 Good morning, Your Honor. Again, Robert Jenkins on  
3 behalf of Mr. Elmer Martinez. Your Honor, of course, the  
4 Court is familiar with what the standard is. The standard  
5 isn't whether or not the person has said something that might  
6 lead him to be more favorable to one side or the other.

7 THE COURT: Hold it. Hold it. Sorry, Mr. Jenkins,  
8 one of the jurors tried to come back in.

9 (A pause in the proceedings.)

10 THE COURT: Ms. Tinsley, if you could right now,  
11 because we don't want the jurors to just sort of sashaying in,  
12 position yourself or have someone positioned in the back of  
13 the courtroom so that no one comes in.

14 Go ahead, Mr. Jenkins.

15 MR. JENKINS: Yes, Your Honor. The standard, again,  
16 Your Honor, is whether or not the person has expressed an  
17 opinion that gives the Court undue concern as to whether or  
18 not the individual has the ability or is willing to follow the  
19 Court's instructions. And I don't believe that this juror has  
20 demonstrated such.

21 First, with respect to his responses on the  
22 questionnaire, at some point in time I trust that the Court is  
23 going to instruct all of the jurors that sentencing is  
24 reserved to the purview of the Court and the Court alone. So  
25 his views on sentencing, Your Honor, are really irrelevant

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1 because he has no role in that and the Court will so instruct  
2 him as such.

3 With respect to his views on how he views law  
4 enforcement, Your Honor, I think the critical question is,  
5 which was not followed up, is whether or not --  
6 notwithstanding those views as the Court posed with respect to  
7 other subject matters -- notwithstanding those views: Are you  
8 still able to follow the Court's instructions and render a  
9 verdict accordingly. Each time the Court asked that question  
10 in a more general broad manner, this juror did not raise his  
11 hand and indicate that he was unable or unwilling to do so.  
12 So for that reason, Your Honor, I don't believe that just  
13 cause exists. Certainly, as the Court mentioned at side bar,  
14 if the government chooses to exercise one if his preemptory  
15 challenges so be it, but I don't believe that cause has been  
16 demonstrated.

17 THE COURT: Well, the standard that the Court is  
18 going to use for all people who are asked to be struck for  
19 causes is whether or not they can sit indifferent to the  
20 cause. At this point, I don't believe that he has professed  
21 or at least to say that he can sit indifferent to the cause.

22 Are the defendants going to raise any strikes for  
23 cause?

24 MR. JENKINS: Your Honor, I have not had a  
25 sufficient opportunity to confer with my co-counsel. If I

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1 could have a moment to do so?

2 THE COURT: Hold it.

3 (Discussion held off the record.)

4 THE COURT: Why don't you all take a moment and  
5 consult. We'll turn on the white noise and you can get back  
6 to me on that issue.

7 MR. JENKINS: And, Your Honor, just for my benefit.  
8 I understand you're not going to strike.

9 THE COURT: I haven't made up my mind yet.

10 MR. JENKINS: I'm sorry.

11 THE COURT: I haven't made up my mind yet.

12 MR. JENKINS: Okay.

13 THE COURT: I want to apply the same standard across  
14 the board to everyone.

15 MR. JENKINS: Yes, Your Honor. Thank you.

16 MS. RHODES: On that same person, I noted that after  
17 the Court asked could you be -- would you be biassed towards  
18 the police, he hesitated and said "I don't know."

19 THE COURT: Let me remind you of something, Counsel,  
20 and I appreciate that we're at the very beginning, but, as I  
21 said, I'd like for us to speak with one voice, particularly on  
22 issues like this. And so, are you raising something different  
23 from what Mr. Jenkins is saying?

24 MS. RHODES: Well, I was just going to point out  
25 that he didn't say he couldn't -- he could not be fair.

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1 MR. JENKINS: Okay.

2 THE COURT: All right. Thank you, Mr. Jenkins.

3 MR. JENKINS: Thank you, Your Honor.

4 THE COURT: All right. Why don't you all consult.

5 (Counsel confers.)

6 THE COURT: Mr. Jenkins, are you ready?

7 MR. JENKINS: Yes, Your Honor.

8 (Counsel confers.)

9 MR. JENKINS: Your Honor, there's only one that I  
10 believe that all defense counsel believed would qualify for  
11 cause and that's Juror No. 60.

12 Your Honor, in response to the questionnaire,  
13 question No. 44, inquiring about any potential bias with  
14 respect to the burden of proof standard, the prospective  
15 juror's response was, I imagine, depending on those factors of  
16 the case, that I might wonder why a defendant would decide not  
17 to testify. Perhaps this choice is explained to the jury at  
18 some point. You know --

19 THE COURT: I think she stated the law right there.  
20 I think as a lawyer, she did a pretty good job.

21 MR. JENKINS: I certainly understand that, Your  
22 Honor. It does raise at least a specter. If the judge is --  
23 excuse me, if Your Honor, if you're going to apply the same  
24 standard across the board with respect to No. 58, I would  
25 conceive that this person has not said that they could not

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1 follow the law and would be unwilling to follow the Court's  
2 instructions with respect to whether one or more of these  
3 defendants would choose to exercise their right to remain  
4 silent.

5 THE COURT: I appreciate that. Just so the record  
6 is clean with regard to the first juror that we talked about.  
7 Question No. 31 he said, "My brother works for the FBI, but  
8 not in a law enforcement section." And then the subset to  
9 that question, which was: "Has that employment left you with  
10 a negative, positive, or neutral impression of law  
11 enforcement? Please explain." He says, "Neutral. My brother  
12 and I don't talk about work." Which, I think, is pretty  
13 significant.

14 The Court also had an opportunity to observe the  
15 demeanor of the young man who testified. Applying the same  
16 standard across the board to both of these jurors, the Court  
17 finds that based upon the credibility of the determinations  
18 that it has made and the circumstances presented and the  
19 background information provided, that both of these  
20 individuals could indeed sit indifferent to the cause would be  
21 an appropriate instruction, and so, therefore, will not allow  
22 either one of those to be struck for cause.

23 MR. JENKINS: Thank you, Your Honor.

24 THE COURT: All right. Anything else on the strikes  
25 for cause?

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1 MR. JENKINS: No, Your Honor.

2 THE COURT: Anything else from the government?

3 MS. BELLOWS: No, Your Honor.

4 THE COURT: What I would like to do is I forgot to  
5 factor in the reality that we have to use the bathroom too.  
6 And so, what I'm going to do is I'm going to tell them that  
7 we're going to come back at 11:25, that way the defendants can  
8 also have an opportunity to use the facilities. Then we'll go  
9 right into the voir dire process as far as the strikes are  
10 concerned.

11 There's been a request that you all be able to sort  
12 of consult in the deliberation room since we will not be using  
13 it. I'm going to grant that request. I ask you to be  
14 cognizant of the Court's time too and do these things as  
15 efficiently as possible.

16 MR. JENKINS: Yes, Your Honor. Several of the  
17 defense counsel who are engaged in this matter, Your Honor,  
18 have ample experience with that ability -- of being granted  
19 that ability and I trust that we will move efficiently.

20 THE COURT: Okay. Very good.

21 And if we are able to do things in the course that  
22 I'm hoping we'll be able to do them, what I'm going to do is  
23 allow us, depending on where we are, to take a lunch break so  
24 everyone can set up and be prepared for whatever they need to  
25 do going forward. Okay.

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1 MR. JENKINS: Yes, Your Honor.

2 THE COURT: One question. Off the record.

3 (Discussion off the record.)

4 THE COURT: Okay. Let's look to bring you back at  
5 11:25. Okay. Let the marshal service escort the gentlemen  
6 out and then we'll let you all go ahead.

7 (Defendants excused. )

8 THE COURT: Counsel, see you back about 11:25.

9 (Recess.)

10 (Court proceedings resumed at 11:30 a.m.)

11 THE COURT: Are we ready to bring the venire back  
12 in?

13 MS. MANITTA: We're missing quite a few defense  
14 counsel.

15 (All defense counsel resumes.)

16 MS. MANITTA: There they are, Your Honor.

17 THE COURT: Let the record reflect that all of the  
18 party defendants are reseated in the courtroom as are all  
19 counsel.

20 Are we ready to bring the jury back in?

21 (Jury present.)

22 THE COURT: Ladies and gentlemen of the venire, I'm  
23 going to do a quick status call. You don't need to stand.  
24 When I call your number, just say "present." All right. When  
25 I call your number, just say "present."

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1 1, No. 1.  
2 THE JUROR: Present.  
3 THE COURT: 2.  
4 THE JUROR: Present.  
5 THE COURT: 3.  
6 THE JUROR: Present.  
7 THE COURT: 4.  
8 THE JUROR: Present.  
9 THE COURT: 5.  
10 THE JUROR: Present.  
11 THE COURT: 6.  
12 THE JUROR: Present.  
13 THE COURT: 7.  
14 THE JUROR: Present.  
15 THE COURT: 8.  
16 THE JUROR: Present.  
17 THE COURT: 9.  
18 THE JUROR: Present.  
19 THE COURT: 10.  
20 THE JUROR: Present.  
21 THE COURT: 11.  
22 THE JUROR: Present.  
23 THE COURT: 12.  
24 THE JUROR: Present.  
25 THE COURT: 13.

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1 THE JUROR: Present.  
2 THE COURT: 14.  
3 THE JUROR: Present.  
4 THE COURT: 15.  
5 THE JUROR: Present.  
6 THE COURT: 16.  
7 THE JUROR: Present.  
8 THE COURT: 17.  
9 THE JUROR: Present.  
10 THE COURT: 18.  
11 THE JUROR: Present.  
12 THE COURT: 19.  
13 THE JUROR: Present.  
14 THE COURT: 20.  
15 THE JUROR: Present.  
16 THE COURT: 21.  
17 THE JUROR: Present.  
18 THE COURT: 22.  
19 THE JUROR: Present.  
20 THE COURT: 23.  
21 THE JUROR: Present.  
22 THE COURT: 24.  
23 THE JUROR: Present.  
24 THE COURT: 25.  
25 THE JUROR: Present.

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1 THE COURT: 26.  
2 THE JUROR: Present.  
3 THE COURT: 27.  
4 THE JUROR: Present.  
5 THE COURT: 28.  
6 THE JUROR: Present.  
7 THE COURT: 29.  
8 THE JUROR: Present.  
9 THE COURT: 30.  
10 THE JUROR: Present.  
11 THE COURT: 31.  
12 THE JUROR: Present.  
13 THE COURT: 32.  
14 THE JUROR: Present.  
15 THE COURT: 33.  
16 THE JUROR: Present.  
17 THE COURT: 34.  
18 THE JUROR: Present.  
19 THE COURT: 35.  
20 THE JUROR: Present.  
21 THE COURT: 35.  
22 THE JUROR: Present.  
23 THE COURT: 36.  
24 THE JUROR: Present.  
25 THE COURT: 37.

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1 THE JUROR: Present.  
2 THE COURT: 38.  
3 THE JUROR: Present.  
4 THE COURT: 39.  
5 THE JUROR: Present.  
6 THE COURT: 40.  
7 THE JUROR: Present.  
8 THE COURT: 41.  
9 THE JUROR: Present.  
10 THE COURT: 42.  
11 THE JUROR: Present.  
12 THE COURT: 43.  
13 THE JUROR: Present.  
14 THE COURT: 44.  
15 THE JUROR: Present.  
16 THE COURT: 45.  
17 THE JUROR: Present.  
18 THE COURT: 46.  
19 THE JUROR: Present.  
20 THE COURT: 47.  
21 THE JUROR: Present.  
22 THE COURT: 48.  
23 THE JUROR: Present.  
24 THE COURT: 49.  
25 THE JUROR: Present.

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1 THE COURT: 50.  
2 THE JUROR: Present.  
3 THE COURT: 51.  
4 THE JUROR: Present, Judge.  
5 THE COURT: 52. Thank you.  
6 THE JUROR: Present.  
7 THE COURT: 53.  
8 THE JUROR: Present.  
9 THE COURT: 54.  
10 THE JUROR: Present.  
11 THE COURT: 55.  
12 THE JUROR: Present.  
13 THE COURT: 56.  
14 THE JUROR: Present.  
15 THE COURT: 57.  
16 THE JUROR: Present.  
17 THE COURT: 58.  
18 THE JUROR: Present.  
19 THE COURT: 60.  
20 THE JUROR: Present.  
21 THE COURT: 61.  
22 THE JUROR: Present.  
23 THE COURT: 62.  
24 THE JUROR: Present.  
25 THE COURT: 63.

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1 THE JUROR: Present.

2 THE COURT: 64, 64.

3 THE JUROR: Present.

4 THE COURT: 65.

5 THE JUROR: Present.

6 THE COURT: 66.

7 THE JUROR: Present.

8 All members of the venire are present.

9 Ladies and gentlemen, I'm going to state this at  
10 this point because it happens from time to time during a  
11 trial. We have very good lawyers in this case and most of  
12 them I know personally. All of them I know professionally and  
13 they're all decent people. From time to time, though, you may  
14 run across one of them in the hallway or out and about. And  
15 what most lawyers do, and I know that when I was a young  
16 lawyer when I would see a person who was a part of a jury, I  
17 would run the other way because I didn't want there to be any  
18 suggestion that I was having any undo influence or undo or  
19 inappropriate contact with a juror.

20 These are all good people. It's okay to say good  
21 morning, it's okay to say good afternoon, it's okay for them  
22 to nod at you and for you to nod at them. There's nothing  
23 wrong with that. We're all decent human beings. I want to  
24 make everybody aware of that right now so that you don't feel  
25 uncomfortable and the lawyers don't feel uncomfortable if and

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1 when they confront you in a private or personal setting. So  
2 just making sure you're aware of that.

3 The process that we're going to go through right now  
4 is the selection of the actual people who will sit on this  
5 jury. We hope that we're going to be able to finish that  
6 within the next 45 minutes to an hour. The incentive is that  
7 I entered an order having lunch brought in for the next day  
8 that we were in trial. And because we've been very efficient  
9 and productive today, I put in another order. We're actually  
10 going to provide lunch for you today. We will provide that  
11 lunch for you today. It's not my doing. It's the public  
12 taxpayers doing, but I get to take credit for it.

13 As a benefit to you for your patience as we work  
14 through this, and we're hoping that we're going to get through  
15 this process around 12:30, we're going to order the lunch  
16 brought in for you, and you'll be able to enjoy it once you're  
17 selected. So that's the incentive. So I'm sure that gives  
18 you a lot of enthusiasm about the possibility that you'll get  
19 the free lunch that we're going to offer today.

20 All right. Madam clerk.

21 THE DEPUTY CLERK: Yes, Your Honor.

22 Ladies and gentlemen, as I call your number, please  
23 come forward and have a seat in the jury box as directed by  
24 the marshal.

25 Juror No. 30.

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1 Juror No. 50, Juror No. 35, Juror No. 1, Juror No.  
2 61, Juror No. 62, Juror No. 64, Juror No. 31, Juror No. 38,  
3 Juror No. 43, Juror No. 19, Juror No. 8.

4 THE COURT: Ladies and gentlemen, as we go through  
5 this process do not concern yourself with what the lawyers may  
6 or may not be doing. This is a process that we need to go  
7 through as we select the appropriate people to serve as jurors  
8 in this matter. People who are seated in the gallery, you can  
9 feel free to speak quietly to each other if you choose to do  
10 so. Let's be efficient, Counsel.

11 (Discussion held off the record.)

12 (Board passed.)

13 THE DEPUTY CLERK: Would the following jurors please  
14 return to your seats in the courtroom:

15 Juror No. 62, Juror No. 30, Juror No. 50, Juror No.  
16 1, Juror No. 64, Juror No. 31, Juror No. 8.

17 Would the following jurors come forward as directed  
18 by the court security officer:

19 Juror No. 51, Juror No. 4, Juror No. 66, Juror No.  
20 42, Juror No. 58, Juror No. 11, Juror No. 44.

21 (Board passed.)

22 (Discussion off the record.)

23 THE DEPUTY CLERK: Would the following jurors please  
24 return to your seat in the courtroom:

25 Juror No. 58, Juror No. 66, Juror No. 42, and Juror

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1 No. 44.

2 Would the following jurors please follow the  
3 direction of the court security officer:

4 Juror No. 9, Juror No. 15, Juror No. 6, Juror No.  
5 18.

6 (Board passed.)

7 THE COURT: Thursday and Friday, we will not have  
8 court on those days. We'll come back on the Tuesday after  
9 Memorial Day. So you will have a 5-day break. So you'll have  
10 a long weekend. It's kind of handy in that it's a holiday  
11 weekend. You can do some traveling, plus it gives you a bit  
12 of a break. In addition to that, it allows you to sort of  
13 take care of things that may be associated with your work  
14 obligations if you have any during this case. So we will take  
15 some breaks.

16 In addition to that, we'll have some days that we  
17 start a little later than we usually do because most of the  
18 lawyers here, this is not the only case that we have. And so,  
19 we have to attend to those. So we'll start on those dates a  
20 little bit later.

21 Typically, we're going to run from 10 o'clock in the  
22 morning until 4 o'clock in the evening. That way those of you  
23 who have childcare responsibilities and the like can get down  
24 the road before you have to pay those usurious rates for being  
25 two minutes late for childcare.

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1 I heard a story from a friend of mine who said that  
2 she got caught in traffic. She was 10 minutes late to pick up  
3 her child and they charged her \$62 for being 10 minutes late.  
4 And I said, "How did they come up with \$62?" And she said it  
5 was like \$10.20 a minute for being late.

6 (Discussion off the record.)

7 THE DEPUTY CLERK: Would the following jurors please  
8 return to your seats in the courtroom:

9 Juror No. 9, Juror No. 6, Juror No. 15, Juror No.  
10 18.

11 Juror No. 26, please come forward. Juror No. 46,  
12 Juror No. 47, Juror No. 52, Juror No. 52.

13 THE COURT: 52.

14 (Board passed.)

15 THE DEPUTY CLERK: Would the following jurors please  
16 return to your seat in the courtroom:

17 Juror No. 52 and Juror No. 26.

18 Juror No. 21, No. 21, please come forward. Juror  
19 No. 29.

20 (Board passed.)

21 THE DEPUTY CLERK: Juror No. 21 and Juror No. 29,  
22 please return to your seats in the courtroom.

23 Would the following jurors please come forward:

24 Juror No. 57, Juror No. 41.

25 (Board passed.)

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1 THE DEPUTY CLERK: Will Juror No. 57 and Juror  
2 No. 41, please return to your seats in the courtroom.

3 Juror No. 23 and Juror No. 20.

4 (Board passed.)

5 THE DEPUTY CLERK: Would Juror No. 23 please return  
6 to your seat in the courtroom.

7 Juror No. 53.

8 (Board passed.)

9 MR. WINOGRAD: Before you continue, may we approach  
10 briefly with a member of the government? Just a brief side  
11 bar.

12 (Side bar.)

13 MR. WINOGRAD: I apologize, Your Honor. There was  
14 some disagreement amongst the defense regarding what the  
15 procedure was for alternates and striking. I'd ask to clarify  
16 that.

17 THE COURT: Ms. Armentrout, can you explain that?

18 THE DEPUTY CLERK: So we talked before that we were  
19 going to select six names. The government would take one  
20 strike, the defense take one strike, and left with four  
21 alternates.

22 MR. WINOGRAD: There was some questionable  
23 recollection. I appreciate it.

24 THE COURT: Okay.

25 (Open court.)

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1 THE DEPUTY CLERK: Would the following jurors come  
2 forward as directed by the court security officer:

3 Juror No. 10.

4 THE COURT: No. 10.

5 THE DEPUTY CLERK: Juror No. 34.

6 THE COURT: 34.

7 THE DEPUTY CLERK: Juror No. 5, Juror No. 17, Juror  
8 No. 39, Juror No. 36.

9 (Board passed.)

10 THE DEPUTY CLERK: Would Juror No. 17 and Juror No.  
11 36 please take a seat in the courtroom?

12 THE COURT: Counsel, we're at the number.

13 Is there anything that needs to be taken up before  
14 the clerk swears the jury?

15 MS. BELLOWS: Not on behalf of the government, Your  
16 Honor.

17 MS. MANITTA: Not on behalf of the defense, Your  
18 Honor.

19 THE COURT: I would ask the clerk to please render  
20 the oath.

21 THE DEPUTY CLERK: Would the defendants please stand  
22 and face the jury.

23 Ladies and gentlemen of the jury, please stand and  
24 raise your right hand and respond after the oath.

25 (Jury panel sworn.)

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1 THE DEPUTY CLERK: Please be seated.

2 THE COURT: For purposes of the record, do all  
3 counsel agree that the venire, as presented this morning, was  
4 approximately 50/50 gender. Do we all agree on that?

5 MS. BELLOWS: Yes, Your Honor.

6 THE COURT: Okay. My count with regard to the  
7 venire, there were five people who could be viewed as African  
8 American and two were seated. Do we agree with that?

9 MS. BELLOWS: Yes, Your Honor.

10 THE COURT: All right. In addition to that, my  
11 count suggests that within the jury we have ten females and  
12 six males. Do we agree with that?

13 MS. BELLOWS: Yes, Your Honor.

14 MS. MANITTA: Yes.

15 THE COURT: All right. We also have one person in  
16 the jury who I believe can identify as other. Do we agree  
17 with that, as far as race is concerned?

18 MS. BELLOWS: I would say at least two, Your Honor.

19 THE COURT: Okay. One or two.

20 MS. BELLOWS: No, actually, three.

21 THE COURT: Including the African Americans?

22 MS. BELLOWS: Two African Americans and one  
23 Hispanic.

24 THE COURT: That's what I said. Two African  
25 Americans and one other.

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1 MS. BELLOWS: Oh, I'm sorry.

2 THE COURT: Okay. Just making sure the record is  
3 clean for purposes of any challenges that may come up.

4 Is everyone satisfied with the composition of the  
5 jury and the Court's reference as to the demographic  
6 composition of the jury?

7 MS. MANITTA: Yes, Your Honor.

8 MR. LEIVA: Yes, Your Honor.

9 THE COURT: Very good. All right. We've sworn the  
10 jury, so we can let the others go, Trish?

11 THE DEPUTY CLERK: Yes, Judge.

12 THE COURT: Ladies and gentlemen, you were not  
13 selected to participate in this jury. Let me assure you that  
14 your participation in the process was critical to the  
15 administration of justice and we thank you for being here this  
16 morning and this late afternoon. You will not be called upon  
17 to sit on this jury. But as I say, your participation was no  
18 less important than those who were chosen to sit on this jury.  
19 You're now free to go. Before you go, let me give you a  
20 couple of instructions. I would respectfully request that you  
21 not contact any of the people that have been selected to serve  
22 on the jury. It might be a temptation to do that. Please do  
23 not do that. You're free to discuss the case with anyone that  
24 you choose to, but I would ask you to consider the fact that  
25 you might not want to interfere with the process as we begin

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1 to deliberate this case. Because certain little things could  
2 actually bring into question the ability of this Court to come  
3 to a final resolution on the case. So please keep your  
4 comments to a minimum. That's the Court's request, not a  
5 Court order.

6 Again, I thank you for being here on behalf of all  
7 the parties in the matter and the defendants. We appreciate  
8 your responsibility and we appreciate your attention to your  
9 responsibility in the administration of justice. You're now  
10 free to leave.

11 (Jury not selected excused.)

12 THE COURT: Thank you, ladies and gentlemen. You  
13 can have a seat.

14 Ladies and gentlemen, I'm going to try to -- and you  
15 will find that this is the way that I operate during the  
16 course of the trial, is I'm going to try, as best as I can, to  
17 give you some ideas as to how you can manage your time. It is  
18 not something that you can necessarily depend on, but the  
19 bottom line is it will help you to some degree manage your  
20 time.

21 Now that you've been sworn, I'm going to give you  
22 some preliminary instructions to guide you in your  
23 participation in trial. It would be your duty to find from  
24 the evidence what the facts are. You and you alone will be  
25 the judges of the facts. You will then have to apply to the

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1 facts -- the law as the Court will give it to you. You must  
2 follow that law whether you agree with it or not. Nothing the  
3 Court may say or do during the course of the trial is intended  
4 to indicate or should be taken by you as indicating what your  
5 verdict should be. The evidence from which you will find the  
6 facts that consist of the testimony of witnesses, documents  
7 and other things received into evidence, evidence received  
8 into the record as exhibits, and any facts the lawyers agree  
9 to or stipulate to or that the Court may instruct you to find.

10 Certain things are not evidence and must not be  
11 considered by you. I will list them for you now: Statements,  
12 arguments, and questions by the lawyers are not evidence.  
13 Objections to questions are not evidence. Lawyers have an  
14 obligation to their clients to make objections when they  
15 believe the evidence that has been offered is improper under  
16 the rules of evidence. You should not be influenced by the  
17 objection or by the Court's ruling on it. If the objection is  
18 sustained, ignore the question. If it is overruled, treat the  
19 answer like any other. If you are instructed that some item  
20 of evidence is received for a limited purpose only, you must  
21 follow that instruction.

22 Testimony that the Court has excluded or told you to  
23 disregard is not evidence and must not be considered. In  
24 other words, you should not consult dictionaries or reference  
25 materials, search the internet, websites, or blogs, or use any

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1 other electronic tools to obtain information about this case  
2 or to help you decide the case. Please do not try to find out  
3 information from any source outside the confines of this  
4 courtroom.

5           Until you retire, you may not discuss the case with  
6 anyone, even with your fellow jurors. After you retire to  
7 deliberate, you may begin discussions discussing the case with  
8 your fellow jurors, but you cannot discuss the case with  
9 anyone else until you return a verdict and the case is at an  
10 end.

11           I know that many of you use cell phones,  
12 BlackBerrys, internet, and other tools of technology. You  
13 also must not talk to anyone at anytime about this case or use  
14 these tools to communicate electronically with anyone about  
15 this case. This includes your family and friends. Let me  
16 underscore that. If your spouse or loved one is like my  
17 spouse or loved one, what will happen when you get home is  
18 they will say: "What did you do today?" That opens up  
19 Pandora's box. Say, the judge told me you were going to ask  
20 me that question and he's instructed me not to answer the  
21 question. Because if your spouse or loved one is like my  
22 spouse, he or she will have an opinion and we're not concerned  
23 about their opinion. All right.

24           You may not communicate with anyone about the case  
25 on your cell phone, through e-mail, BlackBerry, iPhone, text

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1 messaging, or on Twitter, or through any blog or website,  
2 including Facebook, Google, Myspace, LinkedIn, or YouTube.  
3 You may not use any similar technology or social media, even  
4 if I have not specifically mentioned it here. I expect you  
5 will inform me as soon as you become aware of another juror's  
6 potential violations of these instructions.

7 A juror who violates these instructions or  
8 restrictions jeopardizes the fairness of these proceedings and  
9 a mistrial could result, which would require the entire trial  
10 process to start over.

11 Finally, do not form any opinion until all the  
12 evidence is in. Keep an open mind until you start your  
13 deliberations at the end of the case.

14 If you want to take notes during the course of the  
15 trial, you may do so. However, it is difficult to take  
16 detailed notes and pay attention to what the witnesses are  
17 saying at the time. If you do take notes, be sure that your  
18 note taking does not interfere when you're listening to and  
19 considering all the evidence. Also, if you do not take notes  
20 -- if you do take notes, do not discuss them with anyone  
21 before you begin your deliberations. Do not take your notes  
22 with you at the end of the day. Be sure to leave them in the  
23 jury room along with Ms. Tinsley.

24 Again, anything you may have seen or heard outside  
25 the courtroom is not evidence and must be disregarded. You're

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1 to decide the case solely on the evidence presented to you  
2 here in the courtroom.

3           There are two kinds of evidence: Direct and  
4 circumstantial. Direct evidence is proof of a fact such as  
5 testimony of an eyewitness. Circumstantial evidence is proof  
6 of fact from which you may infer or conclude that other facts  
7 exist. I will give you further instructions on these as well  
8 as other matters at the end of the case, but keep in mind that  
9 you may consider both kinds of evidence.

10           It will be up to you to decide which witnesses to  
11 believe, which witnesses not to believe, and how much any  
12 witness's testimony to accept or reject. I will give you some  
13 guidance to determine the credibility of witnesses, again, at  
14 the end of the trial.

15           As you know, this is a criminal case. There are  
16 three basic rules about a criminal case that you must keep in  
17 mind. First, the defendants are presumed innocent until  
18 proven guilty. The indictment brought by the government  
19 against the defendant is only an accusation, nothing more. It  
20 does not prove guilt or anything else. The defendants,  
21 therefore, start out with a clean slate.

22           Second, the burden of proof is on the government  
23 until the very end of the case. The defendants have no burden  
24 to prove his innocence or to present the evidence or to  
25 testify. Since the defendant has a right to remain silent,

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1 the law prohibits you from arriving at your verdict by  
2 concerning that the defendants may not have testified.

3 Third, the government must prove the defendant's  
4 guilt beyond a reasonable doubt.

5 I will give you further instructions on this point  
6 later, but bear in mind that this -- in this respect, a  
7 criminal case is different from a civil case.

8 Now, a few words about your conduct as jurors. You  
9 as jurors must decide this case based solely on the evidence  
10 presented here within the four walls of this courtroom. This  
11 means that during the trial you must not consider any  
12 independent research about this case, any materials in this  
13 case, any individuals or others who may be involved in this  
14 case.

15 We're going to take a break at this point and when  
16 we come back, the lawyers will start their case. The trial  
17 will begin as follows: First, the government will make an  
18 opening statement, which is simply an outline to help you  
19 understand the evidence as it comes in.

20 Next, the defendants' attorneys may, but do not have  
21 to, make an opening statement. Opening statements are neither  
22 evidence nor arguments. The government will then present its  
23 witnesses, and counsel for the defendants may cross-examine  
24 them. Following the government's case, the defendants may, if  
25 they choose to do so, present witnesses whom the government

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1 may cross-examine them. After all the evidence is in, the  
2 attorneys will present their closing arguments to summarize  
3 and interpret the evidence for you and the Court will instruct  
4 you on the law.

5 After that, you will retire to deliberate on your  
6 verdict. As I've indicated to you, the opening statements and  
7 the closing arguments of the lawyers are not evidence.  
8 They're only their perspective of what the evidence was or  
9 will be.

10 Ladies and gentlemen, I'm going to go ahead and give  
11 you your break. We've arranged to have some sandwiches  
12 brought in for you. You've paid for them indirectly through  
13 your taxes. And so, what we're going to do is we're going to  
14 take a break. We're going to give you until about a quarter  
15 to 2:00.

16 Ms. Tinsley, as I've indicated to you, is your  
17 liaison between you and the Court. So if you have any  
18 questions or circumstances, let her know. There was also a  
19 request earlier about people bringing in cell phones who are a  
20 part of the jury. I'm going to discourage you from doing  
21 that, but if you have to bring a cell phone, Ms. Tinsley is  
22 going to take that cell phone from you at the beginning of the  
23 day, and then you can access it later if there's an emergency  
24 that you need to address.

25 So if you want to bring your cell phones to the

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1 court, we're going to ask Ms. Tinsley to hold those cell  
2 phones until, at least, the end of the day.

3 All right. We'll see you back in here about a  
4 quarter of 2:00. Along with the attorneys, we'll have some  
5 work that we'll probably need to do in the interim. Please  
6 keep in mind that when you're out the courtroom, we're not in  
7 here goofing off, we're working. So we apologize in advance  
8 for any inconvenience that may be associated for you having to  
9 wait for us.

10 Thank you, again, ladies and gentlemen, for your  
11 willingness to participate in this court trial.

12 (Jury excused.)

13 (Further proceedings were held, but not included herein.)  
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CERTIFICATE OF REPORTER

I, Tonia Harris, an Official Court Reporter for the Eastern District of Virginia, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the Jury Trial - VOIR DIRE in the case of the **UNITED STATES OF AMERICA versus RONALD HERRERA CONTRERAS, et al.**, Criminal Action No.: 1:18-cr-123, in said court on the 9th day of May, 2022.

I further certify that the foregoing 113 pages constitute the official transcript of said proceedings, as taken from my machine shorthand notes, my computer realtime display, together with the backup tape recording of said proceedings to the best of my ability.

In witness whereof, I have hereto subscribed my name, this May 24, 2023.



Tonia M. Harris, RPR  
Official Court Reporter